

# Planning Committee

Minutes of the meeting held on Tuesday 29 January 2019 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Cooke(Chairman); Councillors Ashford, Barrott, Boad, Mrs Bunker, Day, H Grainger, Heath, Mrs Hill, Mrs Stevens and Weed.

**Also Present:** Civic & Committee Services Manager – Mrs Barnes, Legal Advisor – Mr Howarth; Manager – Development Services – Mr Fisher; Senior Planning Officer – Mr Young; Planning Officer – Mr Thompson.

## 143. Apologies and Substitutes

Councillor H Grainger substituted for Councillor Morris.

## 144. Declarations of Interest


Minute Number 147 – W/18/2002 – 68 Clarendon Street, Royal Leamington Spa

Councillor H Grainger declared an interest because the applicant was known to her.

## 145. Site Visits

There were no site visits undertaken.

## 146. Minutes

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

## 147. W/18/1811 – Land South of Lloyd Close, Hampton Magna

The Committee considered an outline application from Richborough Estates Limited for all matters reserved except for access, for the erection of up to 131 dwellings together with vehicular/pedestrian access from Daly Avenue, with an emergency access from Mayne Close; Green Infrastructure including a play area, other open space and landscaping; sustainable drainage; and other related infrastructure.

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

The officer was of the opinion that the development of this allocated site (H51) for the construction of up to 131 dwellings, including an access off Daly Avenue and an emergency access off Mayne Close, together with the necessary infrastructure and associated works, (provision of open spaces and SUDs), was acceptable in principle, in accordance with Local Plan Policy DS11. The provision of open space and SUDs beyond the boundary of the allocated site, in adjoining agricultural land which was still within the West

## PLANNING COMMITTEE MINUTES (Continued)

Midlands Green Belt constituted appropriate development in the Green Belt in accordance with Policy DS18 and paragraphs 145 and 146 of the NPPF.

Although the application was made in outline with only access forming part of the detail for which permission was sought at this stage, an assessment had been made of the impacts of the development as indicatively shown on the illustrative layout plan submitted with the application. Officers were satisfied that the site was capable of accommodating the proposed scale of development and a suitable layout which accorded with the relevant design principles and other supplementary guidance and provided the required housing mix without resulting in demonstrable harm to the amenity of existing neighbouring dwellings, or the amenity of future occupants of the development itself.

No objections had been raised from a highway safety perspective and it was considered that the main access from Daly Avenue together with the emergency access proposed off Mayne Close were suitable and would result in no detriment to highway safety.

Ecological matters had been suitably addressed through this revised submission and there were no objections in respect of landscaping, open space, drainage, environmental health concerns and archaeology.

A Section 106 agreement would secure the necessary obligations and financial contributions to mitigate the impacts of the development and the content of the agreement had been determined in liaison with the relevant statutory consultees and agreed in principle by the applicant.

For the aforementioned reasons it was recommended that planning permission be approved subject to the conditions listed at the end of the report and subject to the necessary obligations and financial contributions to be secured in the Section 106 agreement.

An addendum circulated at the meeting advised that a revised response had been received from Warwickshire County Council Education relating to their Section 106 contribution, which reduced the amount from that previously detailed and provided the reasons for this.

Two additional letters of objection had also been received since the report was written relating to highway safety, residential amenity, noise, drainage and ecology. Additional representations had also been received from a neighbouring resident relating to a number of different areas of concern.

The addendum also advised that a revised site location plan had been submitted. In addition, concerns were outlined relating to the discontinued Number 68 Bus Service and confirmation was awaited from Stagecoach about any future service for the area.

The agent had also provided some minor corrections to conditions 1, 4, 11, 18 and 25 along with an additional condition requiring the provision of the main access in accordance with the approved drawings.

The following people addressed the Committee:

## PLANNING COMMITTEE MINUTES (Continued)

Councillor Dutton, Hampton Magna Parish Council, objecting;  
Mr Taylor, objecting;  
Mrs Mills, objecting;  
Mr Hillier, objecting;  
Mr Kord, objecting; and  
Mr Barnes, supporting.

Members received clarification from officers about a number of issues including the location of the proposed cycleway, the access and egress onto the site, the fact that the responsibility for assessing the number of accesses lay with the Highways Authority and the density of the proposed development in comparison to the existing properties in Hampton Magna.

Additional advice was provided about the location of the SUDs pond in the Green Belt and the case law and Counsel's advice that had been obtained during the assessment of the application. Members were not comfortable with the limited access into and out of the site, but noted that the Highways Authority had no objection and the proposal met the policy requirements.

Concern was raised about the drainage and capacity of the foul sewerage system, however, it was noted that Severn Trent Water had not requested a specific condition relating to this. It was considered that, based on the concerns raised by the public speakers, it was reasonable to request a standard condition asking that details of foul sewerage be submitted for approval.

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 Ashford that the application be granted, subject to an additional condition relating to foul sewerage.

The Committee therefore

**Resolved** that W/18/1811 be **granted** in accordance with the recommendations in the report, subject to the following conditions, the amendments to the conditions and the additional condition detailed in the addendum to the report 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, sport and leisure, air quality and biodiversity offsetting.

Should a satisfactory Section 106 Agreement not have been completed by 28 February 2019, Planning Committee delegate authority 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; and



**PLANNING COMMITTEE MINUTES (Continued)**

The conditions were as follows:

- (1) details of the means of access to the building(s), appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended);
- (2) application for approval of the reserved matters shall be made to the local planning authority no later than three years from the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) 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 desktop 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;



## PLANNING COMMITTEE MINUTES (Continued)

- 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 method statement must detail how this unsuspected contamination shall be dealt 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



## PLANNING COMMITTEE MINUTES (Continued)

2011-2029;

- (5) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have first 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 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 7.30am - 5pm, Sat 7.30am - 1pm. No working Sundays or Bank Holidays.
  - Delivery vehicles should not be allowed to arrive on site before 8am or after

**PLANNING COMMITTEE MINUTES (Continued)**

4.30pm Mon – Fri, 8am - 1pm 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;

- (6) 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, are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF) and Policy NE2 of the Warwick District Local Plan 2011-2029;
- (7) no part of the development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) 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 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;
- (8) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought



## PLANNING COMMITTEE MINUTES (Continued)

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 BS5837:2012, 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;

- (9) no part of the development hereby permitted 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 years 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



## PLANNING COMMITTEE MINUTES (Continued)

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 years, 1 in 30 years, 1 in 100 years and 1 in 100 years plus climate change return periods.

- Provide evidence that the watercourse is in sufficient condition to convey flows from the development.
- 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.

**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;

(10) no part of the development hereby permitted shall commence until the programme of archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the CgMs Consulting document 'Archaeological Written Scheme of Investigation for Archaeological Mitigation. Land South of Lloyd Close, Hampton Magna, Budbrooke, Warwickshire' has been undertaken. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the District's historical development, are recorded, preserved and protected where applicable, before development commences, in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

(11) prior to the occupation of the 50<sup>th</sup> dwelling of the development hereby permitted the emergency access shall be provided between the site and Mayne Close in accordance with the details shown on submitted plan number 008 'Mayne Close Site Access with swept path analysis'. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

(12) no part of the development hereby permitted shall be occupied unless and until the estate roads (including footways and cycleways)

## PLANNING COMMITTEE MINUTES (Continued)

serving it have been laid out and substantially constructed to the satisfaction of the Highways Authority, in accordance with the details approved in writing by the Local Planning Authority in conjunction with Warwickshire County Council Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (13) prior to the submission of any reserved matters application, a Low Emission Strategy for that phase which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) shall be submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. 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;

- (14) prior to the submission of any reserved matters application, 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 with the approved details and shall be retained thereafter. **Reason:** To protect residents of the development from the adverse effects of traffic noise from the outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (15) no development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in strict accordance with the



## PLANNING COMMITTEE MINUTES (Continued)

approved details and shall be retained thereafter. **Reason:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029;

- (16) no development shall be carried out above slab level unless and 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 across ponds and semi-improved grassland and trees/hedgerows and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- 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:** In accordance with NPPF and Policies BE1 and NE2 of the Warwick District Local Plan 2011-2029;

- (17) the development hereby permitted shall not be occupied unless and 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 and the approved scheme has been implemented in full in strict accordance with the approved details. **Reason:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;

- (18) the layout of the estate roads serving the development (including footways, cycleways, verges, footpaths and private drives) shall not be designed other than in accordance with the

**PLANNING COMMITTEE MINUTES (Continued)**

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;

(19) the construction of the estate roads serving the development (including footways, cycleways, 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;

(20) no part of the development hereby permitted shall be occupied unless and until enhanced bus stops on Chichester Lane have been provided to serve the development, in accordance with details which will have been first submitted to and approved in writing by the Local Planning Authority in conjunction with the County Highways Authority. **Reason:** In the interest of highway safety and in order to promote sustainable modes of travel in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

(21) the development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) *Report Ref: 22356/10-17/5010 Rev C August 2018* 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 9.5 l/s for the site.
- Provide provision of surface water attenuation storage as stated within the FRA of 2250m<sup>3</sup> 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

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (22) any landscaping (other than the planting of trees and shrubs) approved under Condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be 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;
- (23) 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

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (24) the mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date SHMA and the specific requirements of the Budbrooke Neighbourhood Development Plan as well as Local Plan policies (including a requirement for bungalows and self or custom build homes). **Reason:** To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 and the NPPF;
- (25) the development hereby permitted shall not be occupied unless and until the main access has been provided between the site and Daly Avenue in accordance with the details shown on submitted plan 001 Rev.D. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and
- (26) details of foul sewerage be submitted for approval.

### 148. **W/18/2002 – 68 Clarendon Street, Royal Leamington Spa**

The Committee considered a retrospective application from Mr Birdi for the change of use from two dwellings (C3 use) to ten-bed HMO Split into two cluster flats (sui generis use).

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 retrospective change of use of the site to a ten-bedroom HMO was considered to be acceptable in principle and was not considered to have a harmful impact on neighbouring residential amenity. The proposal was considered to provide acceptable parking arrangements and was considered to provide adequate waste storage arrangements. The change of use should therefore be approved.

An addendum circulated at the meeting advised that Private Sector Housing had no objection following assessment of the amended plans and provided clarification that the applicant was related to a member of Warwickshire County Council and not the District Council. It also provided advice relating to fly tipping following a complaint raised by a member of the public and clarification as to when the parking survey was undertaken. Further

## PLANNING COMMITTEE MINUTES (Continued)

information was also provided concerning the unilateral undertaking and the reasons for requesting one.

The following people addressed the Committee:

Councillor Barker, Royal Leamington Spa Town Council, objecting;  
Mr Jowitt, supporting; and  
Councillor Mrs Knight, Ward Councillor, objecting.

A motion to refuse the application on the grounds that it did not meet the requirements of Policy H6, and that the development was in very close proximity to residential properties, 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 H Grainger and seconded by Councillor Ashford that the application should be granted.

The Committee therefore

**Resolved** that W/18/2002 be **granted** in accordance with the recommendations in the report, subject to the conditions detailed below and subject to a satisfactory unilateral undertaking for an amendment to the Traffic Regulation Order being completed.

Should a satisfactory Unilateral Undertaking not have been completed by 28 February 2019, Planning Committee are recommended to delegate authority 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 undertaking.

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawing 1227-0500-05, and specification contained therein, submitted on 9 January 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (2) all window and door frames shall be constructed in timber and shall be painted and not stained. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029; and
- (3) the maximum number of bedrooms within the two HMO cluster flats hereby approved shall be

**PLANNING COMMITTEE MINUTES (Continued)**

ten. **Reason:** In the interest of the protection of amenity of the occupants of the property in accordance with Warwick District Local Plan policy BE3.

149. **W/18/1141 – Land rear of 177-179 Chessetts Wood Road, Lapworth**

The Committee considered an application from Mr and Mrs Yates for the proposed erection of a three-bedroom detached dwelling.

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

The officer was of the opinion that Paragraph 145 of the NPPF stated that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site was washed over by Green Belt and the proposed development of one dwelling did not meet any of the exceptions listed under paragraph 145 of the NPPF. The development was considered to be incongruous and harmful to the street scene by virtue of a loss of an important open space within the street scene, loss of established hedgerow and trees, and an inappropriately sized dwelling which was at odds with the existing character of the area. The development was therefore considered to be contrary to Local Plan policies H1, H11 and BE1. Therefore, it was recommended that the proposed development should be refused.

An addendum circulated at the meeting advised that, following the submission of additional information from the applicant's arboriculturalist, the Tree Officer was satisfied with the details provided and had no objection to the proposed development, subject to a condition ensuring that the proposed works were carried out in accordance with the details provided.

The following people addressed the Committee:

Mrs Yates, supporting; and  
Councillor Mrs Gallagher, Ward Councillor, supporting.

Clarification was provided on the size of the property in comparison to those nearby and officers explained why they felt the size of the curtilage that the proposed development would sit in was alien in the street scene.

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 H Grainger that the application should be refused.

The Committee therefore

**Resolved** that W/18/1141 be **refused** in accordance with the recommendations in the report, for the following reason:

- (1) paragraph 145 of the NPPF states that Local



## PLANNING COMMITTEE MINUTES (Continued)

Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site is washed over by Green Belt and the proposed development of one dwelling does not meet any of the exceptions listed under paragraph 145 of the NPPF. The proposal therefore comprises inappropriate development in the Green Belt to which there is an objection in principle and in respect of which no very special circumstances have been presented which outweigh the harm by reason of inappropriateness and harm to openness; and

- (2) policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Policy BE1 requires all development to respect surrounding buildings in terms of scale, height, form and massing, and use appropriate materials to ensure that it does not detract from the character of the local area.

The proposed scale of the dwelling is at odds with the existing nearby properties within the street scene. The dwelling would dominate and detract from the existing modest properties within the street scene, providing an overbearing and alien feature within the street scene. Furthermore, the loss of the established hedgerow and mature trees along the application boundary is considered to be harmful to the rural character of the area. Finally, constructing a large dwelling on the site would result in the loss of openness, which forms an important part of the character of the area and would be harmful to the established rural character.

The development is thereby considered to be contrary to the aforementioned policy.

### **150. W/18/2281 – Land adjacent to 2 Mill Road, Royal Leamington Spa**

The Committee considered an application from Mr Whitehead and Ms Hepburn for the proposed erection of a detached two-storey dwelling.

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

The officer was of the opinion that the proposed development would represent a contrived, cramped and incongruous form of development

## PLANNING COMMITTEE MINUTES (Continued)

which would be harmful to the street scene and Conservation Area. The development was therefore considered to be contrary to Local Plan policies BE1, HE1, HE2 and the adopted relevant guidance. It was therefore recommended that the application be refused.

An addendum circulated at the meeting advised that, subject to the inclusion of a condition requiring the provision of a detailed surface water drainage scheme and a condition requiring the provision of a detailed maintenance plan for surface water systems, the Local Lead Flood Authority had withdrawn their objection.

In addition, the agent had requested that a number of matters be raised before Members relating to the positioning of the scheme, the design and the view from Jephson Gardens.

The following people addressed the Committee:

Ms Savage, supporting; and  
Councillor Quinney, Ward Councillor, supporting.

Members felt that the proposed building did fit with the other buildings on the road and were mindful that the location of this street in the Conservation Area was an anomaly. However, if a decision to grant was approved they requested that a note be added, asking the applicant to consider adding a second window to the elevation fronting onto Mill Road, to provide symmetry. It was also agreed that standard conditions should be added to the permission and these could be delegated to officers, in consultation with the Chair, along with the inclusion of the condition from the LLFA.

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

The Committee therefore

**Resolved** that W/18/2281 be **granted** contrary to the recommendation in the report, subject to

- (1) standard conditions to be agreed with officers, in conjunction with the Chairman;
- (2) provision of a detailed surface water drainage scheme; and
- (3) the provision of a detailed maintenance plan for surface water systems.

Note to Applicant: Please consider the addition of a second window to the elevation of the dwelling fronting onto Mill Road, to provide symmetry.

151. **W/18/2012 – 53 Chesham Street, Royal Leamington Spa**



## PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Mr C Challis for the erection of a single storey rear courtyard infill and replacement single storey rear extension.

The application was presented to Committee because there were more than five letters of public support and the recommendation was one of refusal.

The officer was of the opinion that the proposal was contrary to Local Plan Policy HE1 and the NPPF. In addition, the development was harmful to the character and appearance of the Conservation Area by reason of inappropriate design which did not reflect the original side courtyard feature of the dwelling house or reflect the historic built form of the Victorian terraces. It was therefore recommended that planning permission be refused.

Councillor Quinney, Ward Councillor, addressed the Committee, supporting the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor H Grainger and seconded by Councillor Ashford that the application should be refused.

The Committee therefore

**Resolved** that W/18/2012 be **refused** in accordance with the recommendations in the report, for the following reason:

The application property is a traditional Victorian terraced dwelling incorporating a rear wing with an open courtyard to the side. The proposed extension does not respect this traditional built form due to the extension projecting some distance beyond the original rear wing. As such, the proposals would cause significant harm to the character and appearance of the Conservation Area. This harm is not outweighed by any public benefits.

The proposals therefore conflict with Local Plan Policy HE1 and the Residential Design Guide.

### **152. W/18/1929 – 49 High Street, Royal Leamington Spa**

The Committee considered an application from Warwick District Council for alternations and extensions to form a hostel (Use Class Sui Generis).

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

The officer was of the opinion that the proposals had been carefully considered against the material planning considerations and the matters raised by consultees and local residents. The proposed benefits of bringing



## PLANNING COMMITTEE MINUTES (Continued)

the building back into use and the social benefits of the use were considered to be significant benefits that outweighed the limited conservation harm associated with the development. For the reasons set out in the report, the proposals were considered to be in accordance with the aims and objectives of the Development Plan and associated guidance and the aims and objectives of the National Planning Policy Framework as a material consideration.

An addendum circulated at the meeting provided an update from Contract Services regarding the waste / recycling store and advised that 17 additional letters of objection had been received from residents. Furthermore, one additional comment had been received responding to the Police comments, the need for fire safety and waste management.

The addendum also detailed the officer's responses to the issues raised, including clarification of the location of the site notice and stated that there were no changes proposed to the recommendation.

Mr Aitchison addressed the Committee, objecting to the application.

Members received clarification on the number of days per week that the hostel would be open and were advised that the building had been vacant since 2000. In addition, Members noted that the proposed usage was acceptable for the location and the development would be an improvement to the existing building.

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

The Committee therefore

**Resolved** that W/18/1929 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings AT/HS/01, AT/HS/02A, AT/HS/03, AT/HS/04A, AT/HS/05A, AT/HS/06A, AT/HS/07A, and specification contained therein, submitted on 12 October and 6 November 2018 as amended by plans submitted on 15 January 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance



## PLANNING COMMITTEE MINUTES (Continued)

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) all window and door frames shall be constructed in timber and shall be painted and not stained. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029; and
- (5) no development and subsequent use of the development shall take place until plans and details showing the allowance for exceedance flow and overland flow routing have been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. Any overland flow routing should look to reduce the impact of an exceedance event and surface water flooding. **Reason:** To prevent the increased risk of surface water flooding from overland flow routes.

### 153. **W/18/0522 – Gateway South, Land to the South and West of Coventry Airport and Middlemarch Industrial Estate, Coventry**

The Committee considered an application from Coventry & Warwickshire Development Partnership LLP to amend two conditions attached to planning permission W/18/0522.

Permission was given for an outline application in December 2018 for the comprehensive redevelopment of land South of Coventry Airport, comprising demolition of existing structures and the erection of new buildings to accommodate general industrial uses (Use Class B2) and storage and distribution (Use Class B8), ground modelling works including the construction of landscaped bunds, construction of new roads, footpaths and cycle routes, associated parking, servicing, infrastructure and landscaping and the creation of open space in a Community Park. Provision of replacement sports ground including the creation of new sports pitches, erection of training lights, a club house (including bar, changing facilities, showers and communal area) and ancillary buildings.

The application was presented to Committee because it was requesting amendments to conditions relating to a previously approved permission, on a major application site.



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

Since consideration of the application in December, the applicant had requested some minor changes to two of the agreed conditions. The conditions in question were:

- the condition relating to the Stoneleigh junction on the A46 (which was added in the addendum report to Committee – number 4 in the Highways England list of conditions); and
- the condition requiring the provision of emergency access to and from Siskin Parkway West (condition 39 in the list of conditions in the original Committee Report).

Members were reminded that they were only being asked to consider the wording of these two conditions and not to reopen determination of the application as a whole.

The revised wording to the Stoneleigh Junction condition was similar to the corresponding condition on the adjacent Whitley South development (Ref. W18/2099). The only difference was that there had been a slight change to the trigger to ensure that the condition did not delay use of the community park or the replacement Rugby Club within the Gateway South site.

It was considered that the revised wording would retain suitable control over the provision of mitigation works at the Stoneleigh junction, whilst allowing flexibility for the County Council's own scheme for that junction to come forward. Highways England had been consulted on this change.

Additional wording was requested to be added to the Emergency Access condition which related to the location the access route could take. As originally drafted, the condition required a reciprocal arrangement with Middlemarch Business Park for emergency access. However, whilst emergency access could be gained from Middlemarch Business Park through the site, the applicant did not currently have rights of emergency access to Siskin Parkway West. The applicant did, however, have agreement in principle from Coventry Airport to provide an emergency access across their land.

In planning terms, it did not matter whether the emergency access was routed through Middlemarch Business Park or the airport. Therefore, the revised wording would allow for an equally satisfactory outcome as the existing wording.

The officer was of the opinion that for the reasons set out in the report it was recommended that the wording of the conditions be changed as requested.

An addendum circulated at the meeting confirmed that Highways England and WCC Highways had no objection to the proposed changes to conditions.

Mr Barrie Hunt addressed the Committee, objecting to the application.

Whilst the Committee appreciated the speaker's sentiment, they were mindful that the principle of development had already been agreed.



## PLANNING COMMITTEE MINUTES (Continued)

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

The Committee therefore

**Resolved** that the conditions relating to the Stoneleigh Junction and the Emergency Access details of permission W/18/0522 be **amended** to read as follows:

Stoneleigh Junction Condition – Number 4 in the Highways England list of conditions:

Prior to occupation of any buildings falling within Use Classes B2 or B8, the development details of an improvement scheme at the A46 Stoneleigh junction and a programme defining trigger points for its full implementation shall be submitted to and agreed in writing by the Local Planning Authority following written confirmation of agreement by the Highways Authority for the A46 trunk road. The agreed A46 Stoneleigh junction improvement scheme shall thereafter be fully implemented in accordance with the approved details and programme or any amendments subsequently approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A46 trunk road; and

Emergency Access condition (number 39 in the original committee report):

No development shall commence unless and until a scheme for the provision of emergency access from Middlemarch Business Park to Bubbenhall Road and from the proposed logistics park to Siskin Parkway West both during the construction and operational phases of development has been submitted to and approved in writing by the Local Planning Authority. At all times following the commencement of development such emergency access shall be provided in full accordance with the approved scheme.

**154. W/18/1984 – White Lion, 60 Southam Road, Radford Semele**

The Committee considered an application from Green King PP for works to the internal main trade area and beer garden.

The application was presented to Committee because of the number of objections received. Initially, these had included an objection from Radford Semele Parish Council relating to the original proposal to include play equipment in the beer garden. However, since the agenda was published,



## PLANNING COMMITTEE MINUTES (Continued)

this element of the proposal had been removed. The parish council had therefore withdrawn their objection but still had concerns about noise emanating from the beer garden.

The officer was of the opinion that the proposals had been carefully considered against the comments received and amendments had been secured to remove the primary area of concern for neighbouring residents. The proposals were considered to be appropriate in the context of the historic setting of the public house and the proposals would not significantly or materially affect the amenities of neighbours. The proposals were therefore considered to be in accordance with policies of the Development Plan and the National Planning Policy Framework as a material planning consideration.

Members received clarification on the exact location of the pods in the beer garden and were assured that there were no works proposed to the existing hedgerows.

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

The Committee therefore

**Resolved** that W/18/1984 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (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) 2396 - 201 REV A, 2396 - 202 REV A, 2396 - 203, 2396 - 204, 2396 - 206 REV A, 2396 207 Rev A, 2396 - 209 and specification contained therein, submitted on 12 October 2018 as amended by drawings received on 26 November 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies HE1, BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) no amplification equipment shall be installed in the garden seating pods hereby permitted. **Reason:** To safeguard the amenities of the occupiers of adjoining premises;





**PLANNING COMMITTEE MINUTES (Continued)**

- (4) no fires shall be lit within 10 metres of the nearest point of the canopy of any tree(s) on or adjacent to the application site; no equipment, machinery or structure shall be attached to or supported by a 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 NE3 of the Warwick District Local Plan 2011-2029; and
- (5) prior to their installation, details of the manufacturer details and method of fixing of the proposed wall lights shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. **Reason:** In the interests of the character of the listed building and in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.

**155. W/18/2007 – Romary, 19 Hill Wootton Road, Leek Wootton**

The Committee considered an application from Mr Morley for a front extension to the garage.

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

The officer was of the opinion that the character of Hill Wootton road lay in its collection of unique properties set back from the main road. The proposals were of a modern design which was complementary to the main dwelling house as well as maintaining a set back of at least eight meters from the road. The primary light source to the closest neighbouring room was not materially affected and therefore it was considered the proposals complied with Local Plan Policies BE1 and BE3 and the Residential Design Guide.

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

## PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

**Resolved** that W/18/2007 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 525/5A, 525/6A and 525/7A, and specification contained therein, submitted on 26/10/2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

### 156. **Appeals Report**

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

**Resolved** that the report be noted.

### 157. **Request for Thanks to be Minuted**

Prior to the closure of the meeting, the Chairman addressed Members and asked them to join him in wishing the Civic & Committee Services Manager the best of luck in her new role as this was her last Planning Committee meeting with Warwick District. Mrs Barnes was thanked for her support and dedication to the Committee over the years and was assured that she would be sorely missed.

In response, Mrs Barnes thanked the Councillors for their help and support during her time with the Council and advised them that she would miss working with them.

(The meeting ended at 10.45pm)



**PLANNING COMMITTEE MINUTES (Continued)**

Signature redacted



CHAIR

26 February 2019

A handwritten mark consisting of a diagonal line and a stylized 'u' or similar character.

