

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 19 February 2008 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

PRESENT: Councillor MacKay (Chairman); Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dhillon, Edwards, Illingworth, Kinson and Rhead.

895. DECLARATIONS OF INTEREST

Minute Number 894 - W07/2092 – 37 Fieldgate Lane, Kenilworth

Councillor Mrs Blacklock declared personal and prejudicial interests in this item due respectively to being a ward councillor and having spoken to the applicant and the objectors: Councillor Mrs Blacklock left the meeting room for the duration of this item.

Councillor Illingworth declared a personal interest because he was a ward councillor.

Minute Number 895 – W08/0004 – 3 Westcliff Drive, Woodloes Park, Warwick Spa

Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dhillon, Edwards, Illingworth, Kinson, MacKay and Rhead all declared personal interests because the owner of the property was a Warwick District Council employee.

Minute Number 897 - W08/0043 – Lower Heathcote Farm, Harbury Lane, Warwick

Councillor Copping declared a personal interest due to his membership of the trout fishing facility.

Minute Number 898 – W07/1120 – University of Warwick, Gibbet Hill Road, Coventry

Councillor Mrs Blacklock declared a personal interest because she was a ward councillor, a member of the campaign for green transport and due to her husband's involvement with the medical school.

Councillor Illingworth declared a personal interest because his son was a University employee.

Councillor MacKay declared a personal interest because he was a ward councillor.

896. MINUTES

The minutes of the meetings held on 21 November and 12 December 2007 having been printed and circulated were taken as read and signed by the Chairman as a correct record.

services; hard and soft landscaping including structural planting.

The application was submitted to the Committee because the application site straddled the administrative boundaries of Warwick District Council and Coventry City Council requiring a separate planning application to each Planning Authority. Coventry City Planning Committee had resolved, subject to the views of Warwick District Council and the Secretary of State, to support the proposals and authorised referral of the application to the Government Office for the West Midlands at their meeting on 18 January 2008.

The Committee had visited the site on 16 February 2008 because the Chairman had felt it would be beneficial to the Committee to visit the site before they determined the application.

The Head of Planning considered the following policies to be relevant to the application:

SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

DP10 - Flooding (Warwick District Local Plan 1996 - 2011)

SC3 - Supporting Public Transport Interchanges (Warwick District Local Plan 1996 - 2011)

SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the University had put forward a satisfactory case for the expansion of the existing campus which would generate various significant benefits for the region. It was felt that the proposed masterplan formed an acceptable framework for the expansion of the University over the next ten years. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

RESOLVED that application W07/1834 be GRANTED subject to:

- (a) a Section 106 Agreement covering Increased financial contributions for corrective measures to be carried out by the two Highway Authorities (Coventry CC and Warwickshire CC) in the event that the Travel Plan Targets are not achieved - the scale and type of the corrective measures being related to the degree by which the targets have been missed. Draft terms include:-
 - Contributions towards improvements in public transport.
 - Contributions towards implementation of the Sustrans route from Kenilworth to the University.
 - Infrastructure improvements to the local and strategic network such as junction improvements and access management measures, providing that the Secretary of State for Communities and Local Government does not wish to intervene.
- (b) the following conditions:
 - (1) the approval of the local planning authority shall be obtained for the following reserved matters before any construction work is commenced in each phase of the development: -The layout of the site and its relationship with adjoining development,
 - The scale of buildings,
 - The appearance of buildings,
 - The means of access to the buildings, and site,
 - The landscaping of the site.

REASON: To comply with article 3(1) the Town and Country Planning (General Development Procedure) Order 1995;
 - (2) the reserved matters to be submitted in accordance with Condition 1 within each phase of development shall include the following elements to accord with the principles contained within the Indicative Masterplan (Drawing number 0208/D/100RevA) and supporting documentation:
 - i. Details of external materials,

- ii. Details of the proposed highway improvements, phasing, access to all new buildings, pedestrian and cycle linkages, bus routes (to include any associated street furniture, including bus stops, shelters, lighting and 'real-time' bus movement information facilities), to include:
 - a. Modelling and detailed design for the capacity and pedestrian improvements at the Kenilworth Road/ Gibbet Hill Road junction;
 - b. Detailed design for the new Gibbet Hill Road/ University Road roundabout (such design to be aimed at avoiding queuing of vehicles in conflict with the existing pelican crossing facility); and
 - c. Appropriate design based on supporting junction capacity analysis for the Lynchgate Link road (where the link road is to be used by vehicles other than buses, and cycles.
- iii. Details of drainage strategy, and flood mitigation measures, which shall include sustainable drainage systems (SUDS), and implementation timescales;
- iv. Details of all earthworks, mounding and finished floor levels of all buildings together with details of existing and proposed site levels for each phase of development,
- v. Details of:
 - a. The layout and access to car parking facilities;
 - b. The layout and access to service areas, and
 - c. The layout and access for motorcycle parking and push cycle storage facilities;
 - d. The conversion of the Library Road/Gibbet Hill Road exit to bus only;
- vi. Details of pedestrian linkages,
- vii. Planting and landscaping details;
- viii. A tree survey to BS5837: 2005 (Trees in relation to construction, indicating the trees to be retained, actual canopy spreads, health, vigour, trunk diameter, age, class, amenity and habitat value to proposed site development, and in respect of trees being retained:
 - a. An arboricultural method statement which identifies; tree protection zones, the type/

specification of the tree protective fencing to be used and siting distances from trees (protective fencing to be erected prior to commencement of any earthworks and/ or demolition works), the position(s) of storage compounds, and site/emergency vehicle accesses;

b. An arboricultural impact survey to indicate; the future impact of the development upon the trees, in particular; (allowing for reasonable growth), where buildings are positioned in close proximity, where parking is proposed under canopies, and where they will cast shadows over properties; the impact from level changes, and the routing of underground utilities and foundations.

ix. A noise survey for each phase of the development prepared in full accordance with the requirements of BS4142 and PPG 24, indicating noise mitigation measures, and to demonstrate that internal and external noise levels comply with criteria outlined in BS8233: 1999 and the World Health Organisation (WHO) Guidelines for buildings to be used for residential, academic (including research), workshops and miscellaneous service purposes.

x. An air quality assessment to consider the impact of the development on Coventry's air quality action plan (AQAP);

xi. Follow-up monitoring of the findings contained in the Environmental Statement (to include a detailed analysis of the water supply (and of any need to upgrade and/or provide new connections).

xii. Details of the Biomass powered combined heat and power plant and associated infrastructure. **REASON:** To ensure that sufficiently comprehensive details are submitted for each phase of the development in order to achieve the principles of the indicative masterplan, hereby approved, and to demonstrate a satisfactory relationship between the proposed development, adjacent land and buildings, and the comfort and utility of the users of the development in the interests of amenity, in accordance with Policies DP1 and SSP2 of the Warwick District Local Plan 1996-2011;

- (3) applications for approval of the matters referred to in Condition One above must be made within 10 years of the date of this permission. **REASON:** To Comply with Section 92 of the Town and Country Planning Act 1990 (As amended);
- (4) the development to which this permission relates shall begin within 10 years of the date of this permission or within 2 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);
- (5) the development hereby permitted, and any subsequent reserved matters and /or discharge of conditions shall accord with the principles contained within the Indicative Masterplan (Drawing Number 0208/D/100 Rev A) and supporting documentation, which shall include:
 - i. Highway infrastructure improvements, as follows:
 - a. A route for the proposed Bus Rapid Transit service through the heart of the University,
 - b. A new roundabout at the junction of University Road (south) with Gibbet Hill Road,
 - c. The creation of a route from Lynchgate Road, to Academic Road ('Lynchgate Link') for public transport (for the avoidance of doubt, this route shall not be used for general traffic),
 - d. Improved Gibbet Hill campus access (to include the creation of a ghost island right turn facility),
 - e. Improved Gibbet Hill Road / Kenilworth Road junction,
 - f. Conversion of Library Road/Gibbet Hill Road junction to bus only exit,
 - g. A new signal controlled crossing on Gibbet Hill Road to the east of Scarman roundabout,
 - h. Improvements to the two existing signal controlled crossings on Gibbet Hill Road,
 - i. Improvement of the layout of Gibbet Hill Road in the Central Campus area,
 - j. Improvements to the pedestrian and cycle network within Campus and the links to local neighbourhoods;

- ii. 89,000 sq. m. of new floorspace;
 - iii. Structural and decorative planting and landscaping;
 - iv. Car parking (not less than 5% of car parking spaces, shall be designed, located and reserved for 'Orange Badge' holders);
 - v. Measures to enhance wildlife habitat, and offset the ecological and nature conservation impacts of development;
 - vi. Flood risk mitigation measures;
 - vii. Combined heat and power plant, together with associated infrastructure. **REASON:** To ensure (coupled with planning obligations) that the development accords with the principles for the assessment of traffic, environmental and ecological effects consistent with those which justified the grant of planning permission, in accordance with Policies SSP2, DAP1, DAP3, DP1 DP2, DP7, DP8, DP3, DP6, DP12, DP15, DP13, DP10, SC3, SC4 of the Warwick District Local Plan 1996-2011;
- (6) the development shall only proceed in accordance with 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. These measures shall be implemented for each phase of development in accordance with details approved in writing by the local planning authority and maintained for the duration of construction works. **REASON:** In the interests of public and highway safety and the visual amenities of the area in accordance with Policy DP7 of the Warwick District Local Plan 1996-2011;
- (7) no building erected pursuant to this permission shall be used for cooking unless and until fume extraction and odour control equipment (including external flues) have been installed in accordance with details submitted to and approved in writing by the local planning authority, and inspected by the relevant planning authority for compliance with the approved details. Thereafter such equipment

shall be permanently maintained in a satisfactory condition and operated at all times when cooking operations are being carried out.

REASON: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011;

- (8) any external plant or machinery shall only be installed in accordance with details submitted to and approved in writing by the local planning authority. **REASON:** In the interests of the aural amenity of the area in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (9) appropriate provision shall be made in the design and layout of all buildings requiring public access and their approaches, to ensure safe and convenient access can be achieved, and that such buildings are accessible to disabled people, wheelchair-bound disabled people in particular. **REASON:** In order to secure the satisfactory provision of facilities and access for disabled persons, in accordance with Policy DP15 of the Warwick District Local Plan 1996-2011;
- (10) dropped kerbs and ramps suitable for wheelchairs and prams shall be provided in the footways at all major pedestrian crossing points and at road junctions at the time new highway infrastructure is constructed, and /or highway improvements are being carried out. **REASON:** For the safety and convenience of all pedestrians, but in particular wheelchair bound disabled persons, in accordance with Policy DP15 of the Warwick District Local Plan 1996-2011;
- (11) street lighting and any floodlighting to be provided throughout the development shall be erected in accordance with details (for each phase of development), submitted to and approved in writing by the local planning authority. No residential accommodation shall be occupied until street lighting has been provided on the means of access serving that development. **REASON:** To ensure that any

lighting is designed so as to provide security and amenity without detrimentally affecting the amenities of the occupiers of nearby properties in accordance with Policies D2 and DP9 of the Warwick District Local Plan 1996-2011;

- (12) any landscaping including structural and decorative planting, boundary treatment, paving and footpaths referred to in Conditions 1, 2 and 5 associated with each phase of the construction works shall be completed in all respects, (with the exception of tree and shrub planting), within three months of the first use of the site within that phase of construction, and the trees and shrubs shall be planted within six months of that first use unless otherwise approved in writing by the local planning authority. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years from the substantial completion of the scheme shall be replaced as soon as practicable by trees or shrubs of similar size and species to those originally required to be planted. **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 DP3 and DP2 of the Warwick District Local Plan 1996-2011;
- (13) no buildings erected pursuant to this permission shall be occupied unless and until cycle storage facilities have been installed in accordance with details submitted to and approved in writing by the local planning authority. **REASON:** To ensure satisfactory provision of facilities for cyclist(s) so that sustainable transport choices are provided and maintained in accordance with Policy SC4 of the Warwick District Local Plan 1996-2011;
- (14) the development shall only be undertaken in accordance with a site investigation scheme as follows:
- i. A desktop study of the site shall be submitted to and approved in writing by the local planning authority. Such study to include a conceptual model of potential sources, pathways and receptors of any contamination, and if applicable, proposals for an intrusive site investigation and remedial strategy;
 - ii. If an intrusive site investigation and

remedial strategy is deemed necessary then the development shall only be carried out in accordance with such approved details, or any subsequently approved amendments;

iii. Validation tests shall be carried out upon completion of remediation works and prior to commencement of any building works, in full accordance with a validation report, approved in writing by the local planning authority;

iv. If after the commencement of development within any phase, contamination not previously identified is found to be present, (or If the City Council determines that further remedial measures are required) no further development shall be carried out until a revised risk assessment with detailed proposals for remediation and validation testing) is submitted to and approved in writing by the local planning authority;

v. Proposals for any maintenance works or any long term monitoring designed to be in place once the development is complete should be implemented and thereafter maintained in accordance with details approved in writing by the local planning authority. **REASON:** To ensure that appropriate measures are undertaken to address any land contamination at the site to safeguard health, safety and the environment in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (15) the development shall only proceed in accordance with a noise assessment in respect of any buildings to be used for residential purposes. Such assessment shall accord with PPG: 24 and demonstrate that internal noise levels meet the 'good' criteria as set out in BS: 8233. Such assessment together with any necessary mitigating measures shall be submitted (to include calculations and calibration certificates for equipment used) to the local planning authority for approval in writing. Thereafter such measures shall be implemented, and maintained in accordance with approved details. **REASON:** To ensure that the amenities of the occupiers of existing and proposed residential accommodation are not prejudiced in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;

- (16) the development shall only proceed in

accordance with a Travel Plan approved in writing by the local planning authority, which shall accord with the principles contained within the masterplan documentation for the introduction of measures to foster sustainable transport options and contribute towards the reduction of University traffic on the local network. Such plan shall in particular include: i. A statement of roles and responsibilities; ii. A schedule of broad objectives; iii. A list of key targets to be achieved, together with timescales; iv. A strategy comprising various initiatives aimed at meeting those targets; v. A monitoring system (to include the appointment of a Travel Plan co-ordinator); and vi. Measures for the provision of public transport information.

REASON: To ensure implementation of sustainable transport measures, in accordance with Policy SC12 of the Warwick District Local Plan 1996-2011;

- (17) the development shall only proceed in accordance with the requirements of an air quality assessment submitted to under condition 2x and approved in writing by the local planning authority. **REASON:** To ensure the satisfactory implementation of air quality management measures in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (18) the development shall only proceed in accordance with drainage details submitted to and approved in writing by the local planning authority incorporating Sustainable Drainage Systems (SUDS) receptive to the hydrological conditions within and surrounding the application site. **REASON:** To ensure that a satisfactory means of drainage is provided in the interests of minimising flooding and promoting/maintaining the good stewardship of the natural and built environment in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

- (19) the development shall only proceed in accordance with the on and off-site highway works referred to in conditions 1, 2 and 5. **REASON:** To ensure the creation of an adequate highway infrastructure to

accommodate traffic generation from the expansion of the University in accordance with Policy DP7 of the Warwick District Local Plan 1996-2011;

- (20) no development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON:** To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011;
- (21) unless and until it is demonstrated to the satisfaction of the local highway authority that the link road can safely accommodate general traffic movements, the Lynchgate link road shall not be used by motor vehicles other than buses (with the exception of powered two wheel vehicles). **REASON:** In the interests of highway safety in accordance with Policy DP7 of the Warwick District Local Plan 1996-2011;
- (22) development beyond a floorspace of 85,500 square metres gross floor area or beyond the 5th year of the Masterplan period whichever occurs earlier shall not be occupied until the approved works to the A46/ Stonehouse Road/ Dalehouse Lane junction have been commenced or the impact of the University of Warwick development traffic has been assessed and highway improvements to mitigate the impact have been designed and implemented in accordance with details to be approved in writing by the local planning authority, in consultation with the Highway Agency and Warwickshire County Council. For the avoidance of doubt such improvements shall be made only within land under the control of the Highway Agency and the local highway authority and the improvements shall be designed and implemented so as to mitigate the additional impact of development traffic only on the A46/Stoneleigh Road/ Dalehouse Lane junction. **REASON:** As directed by the Highway Agency, to enable the A46 Trunk Road to

continue to be an effective part of the national system of routes for traffic, in accordance with Section 10(2) of the Highways Act 1989 and to protect the interests of road safety on the Trunk Road;

- (23) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority.
REASON: In the interests of fire safety in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (24) no development shall take place until an Environmental Protection Plan for construction has been submitted to and approved in writing by the planning authority. The plan shall include:
- a) An appropriate scale plan showing the "Environmental Protection Zones" where any specific construction activities are restricted and where protective measures will be installed or implemented;
 - b) details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed: persons responsible for :
 - i) Compliance with legal consents relating to nature conservation
 - ii) Compliance with planning conditions relating to nature conservation
 - iii) Installation of physical protection measures during construction.
 - iv) Implementation of sensitive working practices during construction

- v) Regular inspection of and maintenance of the physical protection measures and monitoring of working practices during construction
- vi) Provision of training and information about the importance of " Environment Protection Zones" to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the planning authority.

REASON: To protect features of recognised nature conservation and/or Landscape importance;

- (25) no development shall take place including demolition, earth moving materials or machinery being brought on to the site until protective fencing and warning signs have been erected on site in accordance with the approved "Environment Protection Plan for Construction" submitted in accordance with Condition No. 24. All protective fencing and warning signs shall be maintained in accordance with the Plan, unless otherwise approved in writing by the planning authority. **REASON:** To protect features of recognised nature conservation importance;
- (26) no development shall take place until full details of a Protected Species Contingency Plan has been submitted to and approved in writing by the planning authority. The plan shall include:-
 - (a) Surveys at agreed periods by an agreed expert - in each year that operations are planned to occur - to determine the possible presence of particular protected species previously specified by the planning authority.
 - (b) Details of appropriate mitigation measures and contingency plans should such a protected species be found to be present. The surveys, mitigation and contingency measures shall be implemented in accordance with the approved plans, unless otherwise approved in writing by the planning authority. **REASON:** To protect the European, UK and Locally protected and important species in accordance with the guiding principles of PPS9 and DAP3;
- (27) no development shall take place until there has been submitted to and approved by the Local Planning Authority a plan showing the routes

and construction details of the locations of all services including the utilities and private connections, including drainage. **REASON:** To minimise the effect the trenches for storm and foul drainage, gas, electric, water, cable, TV etc. will have on ecological or landscape important features in accordance with the guiding principle of PPS9 and DAP3;

- (28) no development shall take place until full details of a habitat creation/restoration scheme have been submitted to and approved in writing by the planning authority to mitigate for any ecologically important habitat unavoidably impacted upon by the approved plan. The details shall include:-

i) Purpose, aims and objective for the scheme; ii) A review of the site's ecological potential and any constraints; iii) Description of target habitats and range of species appropriate to the site; iv) Selection of appropriate strategies for creating/restoring target habitats or introducing/encouraging target species; v) Selection of specific techniques and practices for establishing vegetation; vi) Sources of habitat materials (e.g. plant stock) or species individuals; vii) Method statement for site preparation and establishment of target features; viii) Extent and location of proposed works; ix) Aftercare and long term management; x) The personnel responsible for the work; xi) Timing of works; xii) Monitoring; xiii) Disposal of wastes arising from the works.

All habitat creation works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the planning authority. **REASON:** To manage any ecologically important habitat impacted upon or created within the final approved plan in accordance with the guiding principle of PPS9 and DAP3;

- (29) there are public sewers, which are adjacent to the site. No building shall be erected or trees planted within 2.5 metres of any sewer measuring 225mm or less in diameter, within 5m of any sewer measuring between 300mm and 900mm in diameter or within 20m of any sewer exceeding 900mm in diameter. The applicant may wish to apply to Severn Trent

Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991.

REASON: To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system;

- (30) there must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of watercourses, and/or any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority and the Environment Agency.

REASON: To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows;

- (31) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and

- (32) the residential accommodation within the development hereby permitted shall be occupied solely by persons enrolled on a full time course of further education or by University staff engaged in the provision of such courses. **REASON:** To accord with the terms of the application and since only such specialist residential accommodation is justified within the policy framework for the area.

899. 39 CLARENDON SQUARE, LEAMINGTON SPA

The Committee considered an application from Turner Woolford Sharp Architects for the conversion of bedsit accommodation into 5 flats together with a rear extension including internal and external alterations.

PLANNING COMMITTEE MINUTES (Continued)

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

The Head of Planning considered the following policies to be relevant to the application:

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

DAP7- Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the proposed development respected the historic character and appearance of this Listed Building and would secure its acceptable renovation. Plans had been amended to address the concerns of the Town Council and Warwick District Town's Conservation Area Advisory Forum, in accordance with the requirements of the Conservation Architect. An addendum to the report confirmed that the applicant had submitted further amended plans retaining a largely landscaped rear garden instead of car parking. The proposal was therefore considered to comply with the policies listed.

The Committee considered the additional information on the application which had been circulated as part of the addendum.

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

RESOLVED that application W07/1520LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the amended plans, AL07446/10A, 11C, 12C, 13B, 14, 15, 16A, 17A and 19B and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site

which is the subject of this permission, until large scale details of external staircase, railings, rear boundary wall and gates, internal partitions and enclosures, doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011; and

- (4) no development shall take place until details of all external facing materials have been submitted to and approved by the District Planning Authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

900. 39 CLARENDON SQUARE, LEAMINGTON SPA

The Committee considered an application from Turner Woolford Sharp Architects for the conversion of regency home from bedsit accommodation to 5 two bedroom apartments together with a rear extension.

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

The Head of Planning considered the following policies to be relevant to the application:

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the proposed development would secure the renovation of the building and its return to residential use in a wholly acceptable manner, complying with general housing policy terms and enhancing the residential amenity of the locality. The proposal was therefore considered to comply with the policies listed.

The Committee considered the additional information on the application which had been circulated as part of the addendum. The conditions of the application

PLANNING COMMITTEE MINUTES (Continued)

as detailed in the original report were amended as follows: the deletion of a reference to a turntable under condition 5; changes to the wording of condition 6; and deletion of conditions 7 and 8.

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

RESOLVED that application W07/1521 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the amended plans, AL07446/10A, 11C, 12C, 13B, 14, 15, 16A, 17A and 19B and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall take place until details of all external facing materials have been submitted to and approved by the District Planning Authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) all rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011. (LB) / To ensure an appropriate standard of design and appearance

within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011. (CA);

- (5) no development shall be carried out on the site which is the subject of this permission, until large scale details of external staircase, railings, rear boundary wall and gates, doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011. To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (6) the gates at the entrance to the site off Hall Road shall be inward opening and sited no closer than 5.5m to the nearer edge of the public highway carriageway. The access to the site shall be surfaced with a bound surface material for not less than 5.5m from the nearer edge of the public highway carriageway and no solid structure, tree or shrub shall be erected, planted or retained within the area in front of the proposed entrance gates or flank walls thereto at a height exceeding 0.6m above the level of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy DP6 in the Warwick District Local Plan 1996-2011;
- (7) notwithstanding the details shown on the approved layout plan, no development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in

accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

- (8) a landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and 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 Policy DP1 of the Warwick District Local Plan 1996-2011.

901. 23 SOUTHWAY, LEAMINGTON SPA

The Committee considered an application from Mr Montgomery for erection of a single storey rear & two storey side extension and new garage to the side of the property.

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

The Head of Planning considered the following policies to be relevant to the application:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the proposed development would not result in an unneighbourly and overbearing impact on the neighbouring amenities and would read as an ancillary and subordinate element to the main house, harmonising with the surrounding houses within the street scene. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

RESOLVED that application W07/1946 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the

Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing as amended Drg. No. 1199-01A, and specification contained therein, submitted on 23rd January 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

902. PORRIDGE POT, STRATFORD ROAD, WARWICK

The Committee considered an application from Orchid Group for the erection of an illuminated post sign at entrance. This was a re-submission of planning application W07/1071.

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

The Head of Planning considered the following policies to be relevant to the application:

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the proposed sign would assist in identifying the entrance to the public house/restaurant thereby minimising the number of accidents from drivers looking for the premises. Visual impact on the street scene was negligible and it would not seriously affect the amenities of the area or result in a clutter of distracting signage. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

RESOLVED that advertisement consent W07/2062 be GRANTED subject to standard conditions and the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number 53844 Rev. C, and specification contained therein, received on 17th December 2007 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

903. 20 ELM BANK CLOSE, LILLINGTON, LEAMINGTON SPA

The Committee considered an application from Mr Heslop for the erection of single and two storey extensions to side and rear, internal alterations and erection of porch/entrance to front.

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

The Head of Planning considered the following policies to be relevant to the application:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

The 45 Degree Guideline (Supplementary Planning Guidance)

In the opinion of the Head of Planning, the proposed development would be in keeping with the character of the property, would not appear as an anomaly, would reflect the diverse style of house within the close and would not be unreasonable in terms of impact on neighbours. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

RESOLVED that application W07/2067 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 07/77-03 Rev A and 07/77-04 Rev A and

specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) the new first floor windows in the north and south elevations of the extension hereby permitted shall be obscure glazed and retained as such at all times thereafter. **REASON:** To protect the amenity of the occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and
- (4) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission, shall be placed at any time in the extension. **REASON:** To retain control over future development so that the residential amenity of adjoining occupiers is protected and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

904. 37 FIELDGATE LANE, KENILWORTH

The Committee considered an application from Mr S Turner for the proposed retention of dry stone wall, double five-bar gate and a 2m boundary willow fence.

The application was presented to Committee due to a number of objections received.

The Committee had visited the site because the Chairman had felt it would be beneficial to the Committee to visit the site before they determined the application.

The Head of Planning considered the following policies to be relevant to the application:

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the traditional design and construction of the wall made it appear not significantly out-of-place and that the difference

between the 'permitted development' height and the actual height was small and could be reduced by relaying the copings. The wall would then not need consent. In view of the above points, it was considered that a refusal was not justified.

The Committee considered the additional information on the application which had been circulated as part of the addendum.

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

RESOLVED that application W07/2092 be GRANTED.

905. 3 WESTCLIFF DRIVE, WOODLOES PARK, WARWICK

The Committee considered an application from Mrs S Broom for the erection of a carport to the side of the property.

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

The Head of Planning considered the following policies to be relevant to the application:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011) • DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the proposed development would not be overly intrusive on the street scene and the neighbour would not be affected by loss of light, outlook or privacy. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

RESOLVED that application W08/0004 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved AMENDED drawing 740-01, and specification contained therein, submitted on 29th January, 2008 unless first

agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

906. ZETLAND ARMS, 11 CHURCH STREET, WARWICK

The Committee considered a report from Planning to request authorisation of enforcement action in relation to the construction of raised patio area with balustrading and steps and the erection of a 1.8m high fence at the Zetland Arms, 11 Church Street.

This item was brought before the Committee because the unauthorised structures had unacceptably affected the setting of the Listed Building by introducing inappropriate features which seriously detracted from its character and setting, facilitated the overlooking of adjacent residential properties and unacceptably affected the amenities of the occupants of those properties. The erection of timber fencing seeking to address this issue further impacted upon the character and setting of the Listed Building. The service of appropriate Enforcement Notices would ensure that unauthorised works were removed and the land restored to its former condition.

The Head of Planning considered the following policies to be relevant to the application:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

After consideration of the officers' report and presentation, the Committee were of the opinion that the enforcement action should be authorised.

RESOLVED that Officers be authorised to proceed with appropriate enforcement action directed at the removal of the raised patio area in its entirety including the timber fence; the removal of those materials from the land and the reinstatement of the land to its former condition.

907. 10 ADELAIDE ROAD, LEAMINGTON SPA

The Committee considered a report from Planning to request authorisation of enforcement action in relation to the unauthorised use of 10 Adelaide Road as a hotel without compliance with planning conditions and unauthorised retention of a car park.

This item was brought before the Committee because an inspection on 22 January 2008 had established that the site's use as a hotel had commenced without full compliance with planning conditions designed to mitigate its impact

upon residential amenity; highway safety and the character of the surrounding area. Additionally, on 31 October 2007 planning permission had been refused for the retention of an area or car park hardstanding laid over approximately a third of the rear garden area during 2006 because of the impact of the loss of the garden area on the amenities of adjacent residential properties and the character of the area. It was anticipated that remaining works would be undertaken without the need to take formal enforcement action to secure their completion. However, authorisation was requested to issue Enforcement Notices directed at full compliance with those conditions and the appropriate reinstatement of the rear garden area, should such action be required.

The Head of Planning considered the following policies to be relevant to the application:

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

After consideration of the officers' report and presentation, the Committee were of the opinion that the enforcement action should be authorised.

RESOLVED that Officers be authorised to proceed with appropriate enforcement action directed at compliance with the requirements of the planning permission granted for the use of the site as a hotel.

908. 21 AND 23 LEYES LANE AND 1 LLAM PARK, KENILWORTH

The Committee considered a report from the Head of Planning that sought confirmation of provisional Tree Preservation Order TPO356 for 4 individual trees.

The Order had been submitted to Committee for confirmation because objections had been received with regard to 3 of the trees within the order.

RESOLVED that Tree Preservation Order TPO356 be confirmed.

909. REVOKING OF PLANNING PERMISSION W03/1571 – 26 BINSWOOD AVENUE, LEAMINGTON SPA

The Committee considered a report from the Head of Planning that sought revocation of a planning permission for a garage as foundation works were likely to cause significant harm to a Lime tree in the adjacent garden.

Planning permission granted in 2003 for the erection of a garage with a private graphics studio had included a condition requiring that foundation details be submitted to the District Planning Authority, given that care would be needed to be taken in construction due to the proximity of the development to the Lime tree.

Two subsequent applications for a garage and studio in the basement had been refused solely relating to the potentially adverse impact on the tree of excavations required to construct the basement. In 2007 the applicant lodged an appeal to the Planning Inspectorate against refusal and the Planning Authority's case was currently being prepared. However, in November 2007 details of foundations were submitted and discharged, unfortunately without prior consultation with the Arboricultural Officer. Officers felt the best way forward would be to revoke the planning permission which could then be replaced with a new, identical permission, requiring the applicant to submit new details in order to discharge them. If Councillors agreed to this approach, Officers would talk through the issues with the applicant and offer to meet costs arising from the revocation. The Council would submit the revocation order to the Secretary of State for confirmation and serve notice on the applicant, thus giving the applicant opportunity to make written representations.

After consideration of the officers' report and presentation, the Committee were of the opinion that revocation of the planning permission should be authorised. Officers were asked to make a progress report to a future meeting of the Committee and to notify the Council's insurers.

RESOLVED that authorisation be given to revoke planning permission W03/1571, subject to confirmation by the Secretary of State.

910. APPEAL PERFORMANCE QUARTER 3 – 07/08

The Committee considered a report from the Head of Planning providing information on appeal decisions received during quarter 3 2007-2008.

Officers clarified that planning appeal W06/1921 had been dismissed in part, in that the fence was allowed but the shed was not.

RESOLVED that the report be noted.

(The meeting ended at 9.15pm)