

Planning Committee

Minutes of the meeting held on Tuesday 12 September 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Senior Committee Services Officer – Mrs Barnes; Legal Advisor – Mr Gregory; Head of Development Services – Mrs Darke; and Senior Planning Officers Mr Sahota & Ms Ombremski.

Prior to the start of the meeting, the Chairman announced the passing of Gerry McManus, who was well known in Royal Leamington Spa and read out an email circulated to Councillors which gave an outline of Mr McManus' work and commitment to the District. It was agreed that the Committee's condolences be passed to Mr McManus' family.

70. **Apologies and Substitutes**

(a) There were no apologies.

(b) Councillor Ashford substituted for Councillor Day.

71. **Declarations of Interest**

There were no declarations of interest.

Minute Number 75 – W/17/1163 – 104 Telford Avenue, Royal Leamington Spa

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

Minute Number 80 – W/17/1362 – Hillcroft, Red Lane, Burton Green

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

Councillor Mrs Bunker declared a personal interest because the applicant was known to her.

72. **Site Visits**

To assist with decision making, Councillors Ashford, Boad, Mrs Bunker, Cooke, Hill, Morris, Mrs Stevens and Weed had visited the following application sites on Saturday 9 September 2017:

W/17/0998 – Elisabeth the Chef, St Mary's Road, Royal Leamington Spa

W/17/0935 – 28 Home Close, Bubbenhall

W/17/1245 – Land south of Briardene, Honiley Road, Beausale

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73. Minutes

The minutes of the meeting held on 15 August 2017 were taken as read and signed by the Chairman as a correct record.

74. W/17/0998 – Elisabeth the Chef Ltd, St Mary's Road, Royal Leamington Spa

The Committee considered an application from Stonewater for the demolition of existing derelict commercial bakery, perimeter fencing and external hard landscaping for the erection 40 residential units (Use Class C3), to include displacing existing vehicular access and widening entrance from St Mary's Road, new associated parking and landscape works.

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 site was located in a sustainable area for the provision of new residential development and was in accordance with the relevant policy considerations. The proposed development represented an appropriate use for the site that could be accommodated without resulting in undue harm to the amenity of the local area, the impact on the amenity of local residents and the impact on highway safety.

The proposed development sought to regenerate an existing vacant and partially derelict site and the proposed scheme was considered to enhance views from the adjacent Royal Leamington Spa Conservation Area and the environment along the canal side as viewed from the tow path and canal bridge adjacent to the site.

A Section 106 agreement was proposed to secure the affordable housing and appropriate infrastructure contributions that would be reported to Committee in due course. Subject to conditions to secure the finer details of the development, officers were satisfied that the scheme was acceptable.

An addendum circulated at the meeting provided a number of updates including clarification of the Principal Balance, clarification on access, parking, noise and contaminated land and amended wording to two conditions. These amendments were purely grammatical and did not alter the purpose of, or reason for, the conditions.

The following people addressed the Committee:

- Councillor J Knight, Royal Leamington Spa Town Council – objecting;
- Mr T Naylor, Objecting;
- Mr M Crucefix, Stonewater – applicant; and
- Councillor Quinney, Ward Councillor – objecting.

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

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The Committee therefore

Resolved that W/17/0998 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) B6316(PL) 04_K submitted on 30 May 2017 together with B6316(PL)005_F, B6316(PL)006_F, B6316(PL)008_B and B6316(PL)009_B, and specification contained therein, submitted on 28 July 2017. **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) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan

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1996-2011. (CA). / 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 that the rural character and appearance of the barn(s) is protected, in accordance with Policy RAP8 of the Warwick District Local Plan 1996-2011. (Barn Conversions);

- (5) the reserved matters to be submitted in accordance with Condition 1 shall include details of all earthworks, mounding and the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, and the development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.
Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.
Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;
- (7) the development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which have been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority. **Reason:** To ensure

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that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;

- (8) the development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (9) the development hereby permitted shall be undertaken in the presence of a qualified ecologist appointed by the applicant to supervise all destructive works to scrub on site. All features, including compost and log piles, are to be removed carefully by hand. Should any reptiles such as grass snake be found during this operation, then work must cease immediately whilst WCC Ecological Services are consulted for further advice. The qualified ecologist should check for small mammals, reptiles, amphibians and nesting birds. In addition to this the qualified ecologist shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (10) the development hereby permitted shall either:
- a. Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
 - b. Not commence until a qualified ecologist has been appointed by the applicant to inspect the

PLANNING COMMITTEE MINUTES (Continued)

building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.

Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub.

Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (11) it should be ensured that there is no contamination of the watercourse either during or after development. No works to start until measures have been put in place to ensure that the Pollution Prevention Guidelines produced by the Environment Agency regarding prevention of pollution during working and operation are adhered to. The Environment Agency can provide further details if required. There should be a buffer zone of at least 8 metres between the edge of the watercourse, (i.e. the top of the bank), and the development. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (12) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, 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

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development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features during construction in accordance with Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (13) the development shall not be occupied until a vehicular access has been provided to the site not less than 5 metres in width. **Reason:** To ensure that safe and convenient access to and egress from the site is provided in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (14) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distances of 2.4 metres and 'y' distance of 43 metres to the near edge of the public highway carriageway]. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** To ensure that safe and convenient access to and egress from the site is provided in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (15) the development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;
- (16) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the

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development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (17) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (18) no development shall take place until: -

1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement

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detailing the remediation requirements

a) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

b) 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 local 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 local 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 local 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 local 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 DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (19) no development shall take place until an assessment and associated scheme of mitigation for protecting the proposed dwellings from industrial and traffic noise has been submitted to and approved in writing by the local planning authority; all works which form part of the scheme shall be completed in each dwelling before that dwelling is occupied. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;
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DP9 of the Warwick District Local Plan 1996-2011;

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

- i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control the emission of dust and dirt during construction;
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii. the anticipated movements of vehicles and a HGV routing plan;
 - ix. measures to limit noise and disturbance;
- and
- x. a construction phasing plan.

Demolition or construction works and site deliveries shall not take place outside 08:00 hours to 17:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time 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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

(21) no lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **Reason:** To ensure

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that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (22) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until details of the siting, height, design and materials of the treatment of all boundaries have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and shall be retained as such thereafter. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011; and
- (23) notwithstanding the details submitted, no part of the development hereby permitted shall be implemented until an updated landscaping plan to demonstrate additional soft landscaping provision within the site including the parking areas has been submitted to and approved in writing by the local planning authority. The soft landscaping works thereafter shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

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75. W/17/1163 – 104 Telford Avenue, Royal Leamington Spa

The Committee considered an application from Mrs J Doxey for the variation of condition 2 (plan numbers) for planning permission W/15/0764 (retrospective) to include raising the ridge height by a further 0.5m, alterations to front and rear dormers, extend the rear extension by a further 0.3m and other minor alterations.

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 proposed changes were considered of an acceptable design and would not cause a detrimental impact to the amenity of neighbouring properties in accordance with Local Plan Policy DP1 and DP2.

The following people addressed the Committee:

- Councillor J Knight, Royal Leamington Spa Town Council – objecting; and
- Mrs J Doxey, applicant.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Mrs Bunker that the application should be granted.

The Committee therefore

Resolved that W/17/1163 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of planning permission ref: W/15/0764, i.e. 08 July 2015. **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 and specification contained therein, submitted on . **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) noise arising from the air source heat pump hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background

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noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and

- (4) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

76. W/17/0935 – 28 Home Close, Bubbenhall

The Committee considered an application from Mrs K Cassidy for the erection of a one and a half storey side extension.

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

The officer was of the opinion that the application proposal for the one and half storey side extension was respectful to the design and proportions of the property, the corner plot and the street scene, preserved the openness of the Green Belt and adequately preserved neighbouring amenity. The application was therefore recommended for approval.

An addendum circulated at the meeting advised that the application had been presented to Committee due to the number of objections received only and not because Bubbenhall Parish Council had objected as stated in the original report.

The following people addressed the Committee:

- Mr D Bevan, objecting; and
- Mrs K Cassidy, applicant.

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

The Committee therefore

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Resolved that W/17/0935 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings Location Plan submitted on 19th May 2017, 'Bubbenhall-1', 'Bubbenhall-2C' and Bubbenhall-2C' (with shading) submitted on 14th July 2017 and 'Bubbenhall-4' submitted on 21st July 2017, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) within one calendar month of the first occupancy of the extension hereby permitted, the conservatory annotated on approved drawing 'Bubbenhall-1' shall be demolished and all waste materials arising from the demolition works shall be removed from the site. **Reason:** The new extension is only permitted on the basis that the conservatory is removed and therefore constitutes appropriate development in the Green Belt in accordance with *Policy* RAP3 of the Warwick District Local Plan 1996-2011 and paragraph 89 of the NPPF.

77. **W/17/1077 – The Limes, 21 Guys Cliffe Avenue, Royal Leamington Spa**

The Committee considered an application from Housestyle Countrywide Ltd for the variation of condition 2 of W/17/0147. This previously approved application was for the construction of six apartments and one town house and the variation was to increase the eaves and ridge height of the building by 500mm.

PLANNING COMMITTEE MINUTES (Continued)

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

The officer was of the opinion that the original planning permission was granted under W/16/0793 and subsequently varied through a S.73 application under ref. W/17/0147 which sought a minor revision to the design of the building. The policies and material considerations that were relevant to those decisions were set out in the associated officer reports.

The variation of condition 2 to allow an increase in the ridge height of the building by 500mm would not result in any detriment to the visual amenity of the site and surroundings or the amenity of residential properties surrounding the site. Furthermore, there were no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous application. It was therefore considered that the development remained in accordance with the relevant provisions of the Development Plan.

The following people addressed the Committee:

- Ms K Cinar, local resident - objecting; and
- Councillor Gifford, Ward Councillor – objecting.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that the application should be refused on the grounds that it was unneighbourly due to the increase in height and bulk.

The Committee therefore

Resolved that W/17/1077 be **refused** contrary to the recommendations in the report, for the following reason:

The application was unneighbourly due to the increase in height and bulk.

78. W/17/1245 – Land South of Briardene, Honiley Road, Beausale

The Committee considered an application from Mrs V Branagh for the erection of a detached chalet bungalow, garage and associated access.

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

The officer was of the opinion that the principle of development was considered acceptable having regard to both the policies relating to the provision of rural housing and to the relevant Green Belt policy in the NPPF that cited this type of limited infill development as 'appropriate'. Given the advanced stage of the new local plan, compliance with Emerging Policy H1 was considered to be a material consideration of sufficient weight to justify departing from Policy RAP1 in the existing Local Plan.

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The proposed dwelling was considered to be in keeping with the area due to its siting and design and was accordingly not considered to cause any visual harm to the character of the surrounding area. There would be no harm caused to the amenity of existing residential properties around the site and there was no detriment considered to be caused to highway safety in terms of the proposed access arrangements. It was considered that there would be no material harm resulting from this proposed development, which was considered to represent a sustainable form of development overall. For these reasons, it was recommended that planning permission be granted subject to conditions and notes.

An addendum circulated at the meeting advised that the applicant had submitted a statement in lieu of speaking at Planning Committee. The statement advises that the current dwelling is unsuitable due to ill health and the proposed dwelling had been designed around the applicant's needs. The full statement was available to view on the application file.

The following person addressed the Committee:

- Councillor Mrs J Gee, Beausale, Haseley, Honiley & Wroxall Parish Council – objecting.

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

The Committee therefore

Resolved that W/17/1245 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 000 01, 000 02 & 000 03 rev A, and specification contained therein, submitted on 06.07.2017 and 07.08.2017. **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) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing

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

- (4) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (5) the existing tree shown to be removed on the approved plans shall be replaced with healthy tree of such size and species as agreed in writing by the Local Planning Authority. **Reason:** In order to protect and preserve the amount of trees within the site which are of amenity value and to preserve biodiversity in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not be first occupied unless and until the renewable

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energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (7) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

- (8) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 65 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (9) the development shall not be occupied until access for vehicles has been provided to the site not less than 5 metres in width for a

PLANNING COMMITTEE MINUTES (Continued)

distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

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

- (10) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building or enclosure shall be provided within the curtilage of any dwelling(s) hereby permitted. **Reason:** That due to the proposed garage and the fact the site is within the green belt, it is considered important to ensure that no additional development is carried out without express planning permission from the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

79. W/17/1278 – The Orchard, Coventry Road, Stoneleigh

The Committee considered an application from Mr and Mrs Innocent for the proposed erection of a single-storey two bedroom house on the existing plot, with a freestanding single garage, the erection of a balcony to the eastern elevation and the laying of a permeable gravel circulation and parking spaces and access route into the building.

The application was presented to Committee because there had been more than five letters of support for the application and it was recommended for refusal. Councillor Redford had also requested that the application be called before Planning Committee if officers were minded to refuse the application.

The officer was of the opinion that Paragraph 89 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 89 of the NPPF.

The development was considered to be incongruous and harmful to the street scene and Conservation Area by virtue of inappropriate design which would be at odds with the prevailing architectural character of the area. The development was therefore considered to be contrary to adopted Local Plan policy DP1 and DAP8. Furthermore, the development provided inadequate access arrangements which could be harmful to vehicular and pedestrian safety which was contrary to adopted Local Plan policy DP6. Therefore, it was recommended that the proposed development should be refused.

PLANNING COMMITTEE MINUTES (Continued)

An addendum circulated at the meeting advised of changes that had been made to the design of the development as a result of the Conservation Officer's recommendations.

The Conservation Officer confirmed he had no objection subject to a condition requiring sample materials. Officers were of the view that the amended design was now more appropriate and sat comfortably within the street scene. Therefore, the reason for refusal in respect to of design was withdrawn.

In addition, there were a number of additional consultation responses detailed from a member of the public, Health and Community Protection, WCC Ecology, Open Space and comments from the agent.

Mr M Smith, the applicant, addressed the Committee:

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

The Committee therefore

Resolved that W/17/1278 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) paragraph 89 of the NPPF states that Local 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 89 of the NPPF. No very special circumstances have been presented which outweigh the harm by reason of inappropriateness and harm to openness;
- (2) policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Policy DP1 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. Furthermore, Policy DAP 8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas.

PLANNING COMMITTEE MINUTES (Continued)

The shape and architecture of the proposed dwelling is at odds with the architectural precedent within the village, creating an incongruous and out of keeping form of development which would be harmful to both the street scene and the Conservation Area. The timber cladding is considered to be a sharp contrast with the traditional brick properties found within the main part of Stoneleigh Village and the roofline is considered to be too dominant in scale and over complex in terms of the depth, lines and hips.

The development is thereby considered to be contrary to the aforementioned policies; and

- (3) policy DP6 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which provides safe, convenient and attractive access routes for pedestrians, cyclists and other motor vehicles. Development must demonstrate that they do not cause harm to highway safety.

The existing access provided inadequate visibility splays. The intensification of the use of the site and access brought about by the erection of a dwelling could lead to potential highway and pedestrian safety issues which would warrant reason for refusal of the application.

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

80. **W/17/1362 – Hillcroft, Red Lane, Burton Green**

The Committee considered an application from Mr and Mrs Parry which was a resubmission of application W/17/0674 for the development of a new dwelling house and associated external works.

The application was presented to Committee because there had been more than five letters of support received and the application was recommended for refusal.

The officer was of the opinion that Paragraph 89 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 89 of the NPPF. The development was considered to be incongruous and harmful to the street scene by providing an alien form of development, at odds with the traditional dwellings found within the established street scene which was

PLANNING COMMITTEE MINUTES (Continued)

contrary to the NPPF and adopted Local Plan policy DP1. The development would also be harmful to the living conditions of the occupiers of Hillcroft which was contrary to the NPPF and adopted Local Plan policy DP2. Therefore, it was recommended that the proposed development should be refused.

An addendum circulated at the meeting advised that additional consultation responses had been received from WCC Ecology, WCC Highways and Open Space. In addition there was a note from the Parish Council to the Planning Committee, further comments from the applicant and notes regarding the case officers report.

Mrs G Parry, applicant addressed the Committee.

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

The Committee therefore

Resolved that W/17/1362 be refused in accordance with the recommendations in the report, for the following reasons:

- (1) paragraph 89 of the NPPF states that Local 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 89 of the NPPF. No very special circumstances have been presented which outweigh the harm by reason of inappropriateness and harm to openness;
- (2) policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Policy DP1 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 dwelling is not considered to respect the existing dwellings within the street scene in terms of form and massing. The proposed design is considered to be harmful to the street scene by virtue of its incongruous and alien features such as flat roof and use of

PLANNING COMMITTEE MINUTES (Continued)

inappropriate materials such as steel. The large imposing nature of the proposed dwelling is considered to represent poor quality design which does not enhance the street scene.

The development is thereby considered to be contrary to the aforementioned policy; and

- (3) policy DP2 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposed access arrangement would result in undue noise and disturbance to the occupiers of Hillcroft which emanate from the unfettered movements of vehicles using the access. Due to the close proximity of the access running alongside windows serving habitable rooms to Hillcroft, it is considered that the proposal would be unneighbourly as it would disrupt the enjoyment of the quiet private amenity space associated with Hillcroft where it is not unreasonable to expect such enjoyment.

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

81. **W/17/1411 – Land to the North and South of the A45 (between Festival and Tollbar Junctions) and land at the A45/Festival Roundabout, and A46/Tollbar Roundabout and at junctions of A444 with the A4114/Whitley Roundabout, Coventry**

The Committee considered an application from Coventry City Council and Jaguar Land Rover for the variation of conditions 11, 20-26, 28, 39, 40 and 61 of planning permission ref: W16/0239 to clarify the work that could proceed on site prior to the approval of certain design details (specifically allowing site preparation and earthworks to be commenced as soon as possible).

Planning permission ref: W16/0239 was for a comprehensive development comprising offices, research & development facilities and light industrial uses (Use Class B1), hotel accommodation (Use Class C1), car showroom accommodation and small scale retail and catering establishments.

The application was presented to Committee because it was recommended that planning permission be granted subject to the completion of a legal agreement.

The officer was of the opinion that subject to confirmation that there was no objection from Highways England, the Environment Agency or WCC Highways, it had been concluded that the amended conditions would retain

PLANNING COMMITTEE MINUTES (Continued)

adequate control over the development. Therefore it was recommended that planning permission be granted for the variation of these conditions.

An addendum circulated at the meeting outlined an amended condition and informative note from the Highway Authority. As a result of these, condition 25 in the report had been amended to address their concerns. Further consultation responses had also been received from Baginton Parish Council, Stoneleigh and Ashow Parish Council, Bubbenhall Parish Council and a member of the public. A revised consultation response was received from Highways England and additional officer clarification was also provided.

Councillor R Taylor, Baginton Parish Council, objecting, addressed the Committee.

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

The Committee therefore

Resolved that W/17/1411 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

Reserved matters, phasing and time limits

- (1) details of the following reserved matters for each phase of the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of the development (other than demolition or ground works) is commenced:-
 - i) the layout of the phase and its relationship with existing adjoining development;
 - ii) the scale of the buildings;
 - iii) the appearance of the buildings; and
 - iv) the landscaping of the site.

Reason: To comply with Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015;

- (2) application for approval of the matters referred to in Condition 1 above must be made within 5 years of the date of this permission. **Reason:** To comply with Section 92 of the Town & Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within 5 years of the date of permission or within 2 years of the final approval of the reserved matters, whichever is the later.

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Reason: To comply with Section 92 of the Town & Country Planning Act 1990 (as amended);

- (4) prior to the commencement of development, details regarding the phasing of the development shall be submitted to and approved in writing by the local planning authority and such details shall include:
- i) a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of works within the proposed Countryside Park and arrangements in respect of the phasing of all transportation infrastructure;
 - ii) temporary access arrangements for vehicles and pedestrians in respect of each phase;
 - iii) car parking arrangements in respect of each phase;
 - iv) any interim surface, boundary treatment, external lighting or landscaping measures;
 - v) a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air quality assessments and details of further mitigation measures, if necessary); and
 - vi) a temporary drainage strategy in respect of each phase.

Once approved the development of each phase shall be carried out in full accordance with such approved details or any subsequent amendments so approved. **Reason:** To ensure that in the event of the development being carried out on a phased basis, satisfactory access and interim environmental treatment is incorporated within each phase, in the interests of public safety and visual amenity in accordance with Policies DP1, DP7 and DP8 of the Warwick District Local Plan 1996-2011;

- (5) in respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floorspace shall be within the minimum and maximum limits set down in approved pHp Architects Parameters Plan drawing no. 3924-1 003 Rev P8. **Reason:** To define the permission in the interests of urban design and highway safety and capacity in accordance with Policies DP1 and DP7 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (6) prior to the submission of any Reserved Matters in respect of the development hereby permitted a Master Plan and Design Code shall be submitted to and approved in writing by the local planning authority. These shall:
- i) Accord with the approved pHp Architects Parameters Plan drawing no. 3924-1 003 Rev P8 and the principles set down in the Design & Access Statement forming part of the approved application documentation;
 - ii) Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
 - iii) Identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
 - iv) Identify locations for public art features;
 - v) Show the location of each pond;
 - vi) Include design principles in respect of layout, scale, appearance and landscaping aimed at minimising its visual impact on the Lunt Roman Fort;
 - vii) Contain details on how permeability will be achieved in respect of the network of estate roads within the technology campus;
 - viii) Detail principles on how legibility will be achieved within the technology campus including design principles in respect of the new A45 bridge and land to the immediate south of it comprising the gateway into the development.
 - ix) Include landscape design principles for the technology campus aimed at ensuring that soft landscaping within this area is satisfactorily integrated with the Countryside Park and neighbouring land.
 - x) Contain principles in respect of disabled access throughout the development and to/from buildings.
 - xi) Detail principles on how crime prevention matters will be addressed in respect of the development.

Any subsequent Reserved Matters applications shall accord with the approved Master Plan and Design Code. **Reason:** In the interests of urban design in accordance with Policies DP1, DP14, DP15 and SC15 of the Warwick District Local Plan 1996-2011;

- (7) the reserved matters to be submitted in accordance with Condition 1 for each phase shall
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include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels in that phase and the relationship with adjacent land and buildings and such details shall accord with approved pHp Architects Parameters Plan drawing no. 3924-1 003 Rev P8 forming part of the approved application documentation.

Reason: In the interests of urban design, to ensure that the mounds are in keeping with surrounding landscape and to ensure that the proposals do not harm the living conditions of nearby dwellings, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- (8) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase, such details to include information on the recycled/reclaimed content of such materials. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the local planning authority. **Reason:** In the interests of urban design in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

Use restrictions

- (9) the gross floorspace of any unit the primary use of which falls within Class B1(a) of the Town & Country Planning (Use Classes) Order 1987 as amended erected under this permission shall not exceed 4999 square metres. **Reason:** To ensure that the development does not prejudice the provision of large scale office accommodation in town centres in accordance with Policy UAP2 of the Warwick District Local Plan;
- (10) no building approved under this permission used primarily for purposes falling within Class A1 of the Town & Country Planning (Use Classes) Order 1987 as amended (or in any Order revoking and re-enacting that Order) shall exceed 250 square metres gross internal floor area; **Reason:** To safeguard the shopping strategies of the local planning authorities and to accord with Government Guidance in the NPPF which seeks to direct large scale retailing to Town Centre locations;

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- (11) no car showroom floorspace or floorspace falling within Classes A1, A3, A4, A5 or C1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be occupied unless and until at least 8,500 square metres (GFA) of floorspace falling within Use Class B1 of the said Order has been occupied within the technology campus. **Reason:** To ensure that the car showroom and other floorspace falling within Use Classes A1, A3, A4, A5 and C1 is only provided when it is needed to serve the employment uses which primarily comprise the development approved under this permission in accordance with Policy UAP3 of the Warwick District Local Plan 1996-2011;
- (12) no more than 10% of the total B1 floorspace shall be occupied for purposes falling within Class B1a of the Town & Country Planning (Use Classes) Order 1987 as amended. **Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety and to ensure that the development is primarily a technology campus in accordance with the identified need;
- (13) the first 8,500 square metres (GFA) of floorspace within the development shall be occupied by Jaguar Land Rover. No other buildings shall be occupied within the development until Jaguar Land Rover have fully occupied 8,500 square metres of B1 floorspace within the technology campus. **Reason:** Since the particular requirements of Jaguar Land Rover form part of the very special circumstances for permitting this inappropriate development within the Green Belt, in accordance with the NPPF.

Landscaping and tree protection

- (14) any soft landscaping referred to in Condition 1 in respect of each phase shall be completed in all respects within 6 months of the substantial completion of development in that phase. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled
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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 visual amenity in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (15) no demolition or construction works shall commence in any phase (including any ground remodelling works), until a Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment in respect of those trees earmarked for retention under Condition 6 above have been submitted to and approved in writing by the local planning authority. Thereafter, all demolition and construction works (including any ground remodelling works) in that phase shall be undertaken in strict accordance with the approved Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment. **Reason:** To safeguard those trees to be retained in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (16) the existing trees, shrubs and hedges indicated under Condition 6 to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent or 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 with tree(s), hedge(s) or shrub(s) of such size and species as have been approved in writing by the local planning authority. All tree(s), hedge(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 trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (17) the construction of buildings and mounds within the technology campus shall be phased in strict accordance with the construction phasing plan (drawing no. 3924-1/004 P4). **Reason:** To

PLANNING COMMITTEE MINUTES (Continued)

ensure that the mounds provide screening for the development at the earliest opportunity, in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (18) prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, will be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details. **Reason:** To ensure the sustainable management of the site's soil resource and to ensure that earthworks will provide the best opportunities for successful establishment and sustenance of landscape infrastructure and ecological services throughout the scheme, in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

Highways

- (19) the development hereby permitted shall not exceed 70,683 square metres (GFA). Such development shall not exceed the following thresholds in respect of the specified uses as defined in the Town & Country Planning (Use Classes) Order 1987 as amended:

- 56,766 square metres (GFA) of B1 floorspace;
- 4,645 square metres (GFA) of car showroom floorspace;
- 11,617 square metres (GFA) of hotel floorspace; and
- 2,300 square metres (GFA) of A1, A3, A4 and A5 floorspace.

Reason: To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (20) no development shall take place other than site preparation and earthworks until a scheme of traffic impact mitigation at the A46/A45/A444 Stivichall interchange, which shall comprise at least the following works, has been submitted to

PLANNING COMMITTEE MINUTES (Continued)

and approved in writing by the local planning authority:

- Signalisation of the on slip approach from the A444 to A45;
- Signalisation of the off slip west bound from the A45 and removal of segregated left turn lane;
- Realignment of traffic lanes on the circulatory carriageway;
- Realignment of kerbs on the approaches/circulatory carriageway.

The mitigation scheme shall be informed by an assessment of the traffic impacts at this junction and its associated interaction with the A46A45(T) with the scope of this assessment to have been first agreed in writing by the local planning authority. The mitigation scheme approved under this condition shall be implemented in strict accordance with the approved details. **Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

(21) no development shall take place other than site preparation and earthworks until the following details have first been submitted to and approved in writing by the local planning authority:

- (a) Full details of how the site access provisions generally as illustrated on the General Arrangement Drawing 15-0752-100 Rev 1 will align with Highways England's A45 Tollbar End Improvement scheme;
- (b) Full details of the proposed alterations to the A46 / Stoneleigh Road / Dalehouse Lane junction generally as illustrated on drawing number 15-0752-110;
- (c) Full details, of the proposed new A45 Grade Separated Junction as generally illustrated on General Arrangement Drawing Number 15-0752-100 Rev 1; and
- (d) Full details, of the proposed alterations to the A46 / A45 / A444 Stivichall Interchange.

The details to be submitted under this condition shall include:

- How the development scheme interfaces with the A45 / A46 trunk roads highway alignment, including full details as indicated within the

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design check list contained within HD19/15 of the Design Manual for Roads and Bridges (DMRB).

- Confirmation of full compliance with the current Design Manual for Roads and Bridges (DMRB), Interim Advice Notes (IANs), Traffic Sign Manual (TSM), Manual of Contract Documents for Highway Works (MCHW) and associated British Standards and Eurocodes and Department for Transport Policies, Local Transport Notes (LTNs), Traffic Advisory Leaflets (TALs) and Advice Notes and any necessary relaxations / departures from standards approved by the Highways Authority for the Strategic Road Network.
- Independent Stages One and Two Road Safety Audits carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) and related Interim Advice Notes (IANs) prior to construction. A Stage three RSA will be required prior to opening.
- Design stage Non-Motorised User Audit carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) standard and related Interim Advice Notes (IANs).

Thereafter the development shall be undertaken in full accordance with these approved details.

Reason: To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

- (22) prior to the commencement of development, other than site preparation and earthworks, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition. **Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;

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- (23) prior to the commencement of drainage works, details of the drainage strategy for the development site and highway works affecting the Strategic Road Network shall be submitted to and approved by the local planning authority. The drainage strategy shall ensure there is no connection (direct or indirect) to the trunk road drainage system. The drainage strategy shall thereafter be implemented in strict accordance with the approved details. **Reason:** To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety;
- (24) no development shall commence other than site preparation and earthworks until full details of the site access provisions, in general accordance with drawing nos. THDA SK12 Rev C, THDA 15-0752 101 Rev 1 & THDA 15-0752 102 Rev 1, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in strict accordance with the approved plans and permanently retained thereafter. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;
- (25) no development shall commence in the relevant phase until a scheme of mitigation for the A46/Stoneleigh Road/Dalehouse Lane Interchange, in general accordance with drawing no. THDA 15-0752 110, has been submitted to and approved in writing by the local planning authority. Thereafter the mitigation scheme shall be implemented in strict accordance with the approved details and permanently retained thereafter. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;
- (26) no construction shall commence in each phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. This shall include a Construction Phasing Plan, HGV routing Plan, details of provision for HGV access and manoeuvring on site and details of employee car parking provision. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition. **Reason:** In the interests of

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highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

- (27) access to and departure from the development site by construction delivery vehicles shall not be permitted between 0730 hours and 0900 hours or between 1630 hours and 1800 hours. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;
- (28) no development shall commence other than site preparation and earthworks until details of the proposed accesses onto Rowley Road, in general accordance with drawing no. THDA 15-0752 106 and PHP Architects Illustrative Development Plan 3924-1 002 rev P8, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in accordance with the approved plans and permanently retained thereafter. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;
- (29) no construction shall commence on site until a detailed Highway Improvement Works Phasing Plan and Construction Sequence Programme/Timetable, linked to the extent of built floor space, and generally in accordance with Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 and PHP Architects Construction Phasing Plan Including Highways and Earthworks 3924-1 004 rev P3 has been submitted to and approved in writing by the local planning authority. Thereafter the phasing of development shall be undertaken in full accordance with these approved details. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;
- (30) no more than 46,450 square metres (GFA) of development falling within Use Class B1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be brought into use and occupied until the Phase 2 site access highway works as illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 have been constructed in general accordance with the detailed highways drawings in respect of such phase 2 works forming part of the approved application documentation and is

PLANNING COMMITTEE MINUTES (Continued)

opened to traffic. **Reason:** In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

- (31) the construction of any highway structure as identified on TH:DA Drawing No. 15-0752 140 (Structures Location Plan) shall be undertaken only in full accordance with details, which shall include an approval in principle report, which have previously been submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety in accordance with Policies DP6 and DP7 of the Warwick District Local Plan 1996-2011;

- (32) no highway works approved as part of the development shall be undertaken unless and until:

- i) a Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
- ii) the details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time; in respect of those highway works, have been submitted to and approved in writing by the local planning authority.

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

- (33) street lighting shall be provided in respect of each phase of the development hereby permitted which involves the construction of highways, footpaths or cycleways in full accordance with details previously submitted to and approved in writing by the local planning authority. **Reason:** In the interests of highway, pedestrian and cyclist safety in accordance with Policies DP6 and SC4 of the Warwick District Local Plan 1996-2011;

- (34) at all times following the completion and opening to traffic of the phase 3 highway works in respect of the new A45 junction between the Festival and Toll Bar Islands, as illustrated on Lawrence Walker Ltd Drawing no. Figure 2 Rev P27 (Site Access Proposed Improvements Phasing) signage, traffic signal or other traffic management arrangements shall be in place on Rowley Road in accordance with details previously submitted to and approved in writing by the local planning authority to discourage vehicles exiting the development from utilising the roundabout

PLANNING COMMITTEE MINUTES (Continued)

element of the completed Highways Agency Tollbar End Improvement Scheme in order to access the strategic highway network. **Reason:** In the interests of promoting the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (35) no building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the local planning authority:
- i) Motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;
 - ii) All the car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus 6 further spaces;
 - iii) Covered cycle and motorcycle parking; and
 - iv) Servicing arrangements in respect of that building.

Thereafter such transportation infrastructure shall remain in place and available for such use at all times. **Reason:** In the interests of highway, pedestrian and cyclist safety and to promote sustainable transport choices in accordance Policies DP6, DP8 and SC4 of the Warwick District Local Plan 1996-2011;

Car parking and sustainable travel

- (36) the number of car parking spaces to be provided within the application site in respect of the development hereby permitted shall not exceed 2,500, of which a maximum of 500 shall be allocated for visitors and no more than 2,000 for the employees of the development. Provided the above limits are not exceeded, car parking shall be provided in accordance with the standards for low accessibility zones set out in the Council Vehicle Parking Standards Supplementary Planning Document. **Reason:** In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies DP6, DP7 and DP8 of the Warwick District Local Plan 1996-2011;
- (37) prior to any part of the development being brought into use and occupied a detailed Car

PLANNING COMMITTEE MINUTES (Continued)

Parking Management Strategy for the control, management and enforcement of on-site (development plot) parking and of off-site (access and distributor road) parking shall be submitted to and approved in writing by the local planning authority. Thereafter car parking associated with the development shall be managed in full accordance with this approved Strategy. **Reason:** In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies DP6, DP7 and DP8 of the Warwick District Local Plan 1996-2011;

- (38) the reserved matters to be submitted in accordance with Condition 1 in respect of any single unit exceeding 1000 square metres (GFA) shall be accompanied by details of showering and changing facilities for employees working in or visiting that unit. Thereafter such approved facilities shall be provided in the construction of that unit and at all times following the first occupation of that unit those facilities shall remain in place and be available for use by persons employed in that unit. **Reason:** To promote sustainable transport choices in accordance with Policy SC4 of the Warwick District Local Plan 1996-2011;

Drainage and flood risk

- (39) no development other than site preparation and earthworks shall take place until a 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. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 plus 20% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- i) Full drainage calculations for a range of events (Microdrainage windes or similar)
 - ii) Construction details for the ponds/swales
 - iii) Details of how the scheme will be maintained and managed after completion.

Reason: To prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to

PLANNING COMMITTEE MINUTES (Continued)

ensure long term maintenance of the sustainable drainage scheme in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (40) the development hereby permitted (other than site preparation and earthworks) shall not be commenced until such time as a scheme to provide details of the proposed bridges and bridge extensions has been submitted to, and approved in writing by, the local planning authority. The scheme shall include construction details, details of bridge openings and details of any floodplain compensatory works. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements in the scheme, or any alternative arrangements as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure the bridges and bridge extensions are constructed to a satisfactory standard and will not increase flood risk elsewhere in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (41) the development hereby permitted shall be carried out in strict accordance with the approved Flood Risk Assessment (dated 15/01/16, ref: WHI-BWB-EWE-XX-RP-EN-0001_FRA Rev C, prepared by BWB Consulting) and the following mitigation measures detailed within the Flood Risk Assessment:

- Finished floor levels to be set no lower than 600mm above the 1 in 100 year +20% flood level and at least 150mm above average surrounding ground level as recommended in Table 5.1.
- Provision of floodplain compensation for the new River Sowe bridge on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 7,199m³.
- Provision of floodplain compensation for the proposed A46 slip road crossing on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 2,263m³.

Reason: To ensure runoff from the site is not increased, satisfactory storage is provided and water quality benefits are included in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (42) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within Flood Zone 3 or the bridge and embankment floodplain compensation areas as delineated on drawing ref: WHI-BWB-EWE-XX-SK-EN-0010, S2, rev P1 (Masterplan showing Flood Zones). **Reason:** To ensure the bridges and bridge extensions will not increase flood risk elsewhere in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;
- (43) the reserved matters submitted under Condition 1 above in respect of any phase of the development shall include details for the disposal of foul sewage associated with any development in that phase. Thereafter infrastructure for the disposal of foul sewage in respect of that phase of the development shall be provided in accordance with the approved details before the development in that phase is first brought into use. **Reason:** To ensure that the development is provided with a satisfactory means of foul sewage drainage in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;
- (44) no development shall take place until a scheme for the provision and management of compensatory habitat creation, to compensate for the impact of the proposed development on the River Sowe, has been submitted to and agreed in writing by the local planning authority. This should include an investigation into the feasibility of river bank and floodplain restoration. Thereafter the development shall be implemented in accordance with the approved scheme. **Reason:** To ensure that harm resulting from the development can be adequately mitigated in accordance with Paragraph 118 of the NPPF;

Relocation and protection of community and other facilities

- (45) for the duration of highway construction works on Rowley Road and thereafter at all times following the completion of those highway works access for the Midland Air Museum to and from Rowley Road shall be maintained in accordance with details submitted to and approved in writing by the local planning authority. **Reason:** To safeguard this cultural facility;

PLANNING COMMITTEE MINUTES (Continued)

- (46) The development hereby permitted shall not be commenced on the site occupied by Trinity Guild RFC unless and until:
- i) the Trinity Guild RFC have moved to a new site and playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities have been provided for the club on that site which are at least equivalent in terms of quantity and quality to those which the club currently have on their existing site in accordance with details submitted to and approved in writing by the local planning authority in consultation with Sport England and;
 - ii) those playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities on that new site are available for use by the club.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use and to accord with the NPPF;

Archaeology

- (47) no development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently approved in writing by the local planning authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;

Crime and anti-social behaviour

- (48) No part of the development hereby permitted shall be occupied until:
- i) details of measures to prevent illegal road racing or other anti-social or dangerous use of the roads within the development have

PLANNING COMMITTEE MINUTES (Continued)

- been submitted to and approved in writing by the local planning authority; and
- ii) the measures approved under i) have been implemented in strict accordance with the approved details in relation to that part.

Reason: To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy DP14 of the Warwick District Local Plan;

- (49) no part of the development hereby permitted shall be occupied until ANPR cameras have been provided in accordance with a scheme submitted to and approved in writing by the local planning authority. The ANPR equipment shall comply with the ACPO ANPR standards and with the information security requirements of Warwickshire Police. Warwickshire Police shall be provided with access to the live feeds from the ANPR cameras at all times thereafter. **Reason:** To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy DP14 of the Warwick District Local Plan 1996-2011;

Noise, dust and odour

- (50) fume extraction and odour control equipment (including external ducting flues) associated with any catering operation shall be properly installed in its entirety in accordance with details first submitted to and approved in writing by the local planning authority and such installation shall have been inspected by the local planning authority before that catering operation commences. Any external ducting shall be colour coated in accordance with the approved details within one month of its installation and any replacement or modification shall be colour coated to match within one month of its installation. The equipment shall be permanently operated and maintained in accordance with the manufacturer's specifications. **Reason:** In the interests of amenity in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;
- (51) noise arising from any plant or equipment within the application site, when measured one metre from the façade of any residential property, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete

PLANNING COMMITTEE MINUTES (Continued)

impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(52) None of the buildings hereby permitted shall be first occupied until:

- (i) a report detailing noise mitigation measures for the development (including noise calculations) has been submitted to and approved in writing by the District Planning Authority; and
- (ii) the noise mitigation measures approved under (i) have been implemented in strict accordance with the approved details.

The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the report approved under (i) at all times thereafter. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(53) the Construction Management Plan to be submitted under Condition 26 above shall also include detail in respect of those matters set out in Sections 4, 5 & 6 of the Construction Sequence and Programme report forming part of the approved application documentation and shall include details of measures to control dust and noise from construction activities. **Reason:** In the interests of highway safety and to protect the living conditions of nearby properties, in accordance with Policies DP2, DP6, DP7 and DP9 of the Warwick District Local Plan 1996-2011;

(54) no development shall take place on any phase of development until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan;

Contamination

PLANNING COMMITTEE MINUTES (Continued)

(55) no development shall take place on any phase of the development until:

- i) a preliminary risk assessment has been carried out (to include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information) and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;
- ii) a site investigation has been undertaken in accordance with details approved by the local planning authority using the information obtained from the preliminary risk assessment;
- iii) 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 and approved in writing by the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

No remediation should be undertaken before the method statement has been so approved. The approved remediation requirements shall thereafter be implemented in full and all development of the site shall accord with the approved method statement.

Reason: To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.

(56) if, during development, contamination not previously identified is found to be present at the site then no further development shall take place until an addendum to the remediation method statement has been submitted to and approved in writing by the local planning authority. The addendum to the method statement shall detail how this unsuspected contamination will be dealt with. The remediation requirements in the approved addendum to the method statement shall thereafter be implemented. **Reason:** To protect controlled waters and the health and safety of future occupiers, and to satisfy the

PLANNING COMMITTEE MINUTES (Continued)

requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

(57) no phase of the development shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details. **Reason:** To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

(58) no recycled aggregate shall be imported to any part of the application site to be used in the construction of the development hereby permitted until:

- i) a scheme of validation sampling has been submitted to and approved in writing by the local planning authority; and
- ii) the recycled aggregate has been sampled in accordance with the scheme approved under i) and the results of the sampling have been submitted to and approved in writing by the local planning authority.

Reason: To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.

(59) no infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the local planning authority. This consent will only be granted for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. **Reason:** To protect controlled waters and to satisfy the requirements

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PLANNING COMMITTEE MINUTES (Continued)

of Policy DP9 of the Warwick District Local Plan 1996-2011;

Fire safety

- (60) construction work shall not begin on any phase of the development hereby permitted 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. No part of any phase of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development. **Reason:** In the interests of fire safety in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

Lighting

- (61) no development shall commence on any phase of the development hereby permitted, other than site preparation and earthworks, until a lighting scheme for that phase of the development, excluding street lighting, has been submitted to and approved in writing by the local planning authority. No lighting shall be installed other than in strict accordance with the approved lighting schemes. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality and the rural character of the area, in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011; and

Sustainable buildings

- (62) no work shall commence on any of the buildings permitted under this outline planning permission and any subsequent reserved matters approval unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b) a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials, has been submitted to and approved in writing by the local planning authority. No building shall be first occupied until all the works within this scheme in respect of that building have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

PLANNING COMMITTEE MINUTES (Continued)

Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **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.

82. W/17/1094 – 135 Warwick Road, Kenilworth

The Committee considered an application from Tregarren Ltd for the Construction of nine apartments; three dwellings and three garages: variation of condition 1 of planning permission W15/0620 to allow changes to the design of the houses and apartments, the bin store location, garages and the parking layout.

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

The officer was of the opinion that the original planning permission was granted under an outline application reference W/11/1618 and the reserved matters pursuant to this outline were subsequently approved under application reference W/15/0620. The policies and material considerations relevant to the reserved matters decision were set out in its associated officer report.

The variation of condition 1 to allow some revisions to the design of some of the proposed buildings, together with revisions to the parking layout and bin store location would not result in any detriment to highway safety, the visual amenity of the site and surroundings or the amenity of residential properties surrounding the site. Furthermore, there were no material changes in planning policy that would lead officers to a different conclusion to that which was reached previously through the assessment and determination of the previous application. It was therefore considered that the development remains in accordance with the relevant provisions of the Development Plan.

An addendum circulated at the meeting advised that a revised plan had been received on 31.08.17 which clarified a discrepancy over the height shown of the single storey extension of Plot 10.

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

The Committee therefore

Resolved that W/17/1094 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings T373-001 Rev D, T373-002
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PLANNING COMMITTEE MINUTES (Continued)

Rev A and T373-004, and specification contained therein, submitted on 7 June 2017 and T373-003 Rev C and specification contained therein, submitted on 18 August 2017. **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;

- (2) the development hereby permitted shall be carried out strictly in accordance with the details of materials as approved on 30 November 2016 in pursuance of condition 2 of W/15/0620. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be occupied unless and until an access for vehicles has been provided to the site in accordance with the details shown on submitted plan number T373-001 Rev C. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be occupied unless and until space has been provided within the site for the parking and turning of vehicles in accordance with submitted plan number T373-001 Rev C. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted within Blocks A & B shall not be occupied unless and until the bin storage area has been laid out and provided in accordance with submitted drawing T373-001 Rev C. Thereafter the bin store shall remain available for use at all times unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of the amenities of the future occupants of the residential accommodation in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (6) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no roof extension or addition shall be erected or constructed to, any of the dwellings hereby approved within Block C as identified on the proposed site plan.
Reason: That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;
- (7) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the window(s) to be formed at first floor level in the north-west & south-east facing elevations of Block C and in the east facing elevation of Block B hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed.
Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;
- (8) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no windows or openings, including dormer windows (apart from any shown on the approved drawings) shall be formed to any of the dwellings hereby approved and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed.
Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011; and

PLANNING COMMITTEE MINUTES (Continued)

- (9) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no windows or openings (apart from any shown on the approved drawings) shall be formed at first or second floor level in the south facing elevation of Blocks A & B or at first floor level in the north-west and south-east facing elevations of Block C hereby approved and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

83. **W/17/1150 – Tyre World, Farmer Ward Road, Kenilworth**

The Committee considered a retrospective application from Tyre World for the erection of rear canopy.

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

The officer was of the opinion that the principle of development was considered acceptable having regard to the saved policy SC2 of the Local Plan which sought to protect employment land and buildings. Notwithstanding some of the comments received from local residents relating to noise arising from the car wash, this was not the subject of this planning application, which sought permission solely for the erection of a canopy at the rear under which the car washing facility operated. It was not considered that the canopy gave rise to any harm to the general character of the area or the amenity of neighbouring properties and there was no detriment to highway safety. For these reasons, it was recommended that planning permission be granted.

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

The Committee therefore

Resolved that W/17/1150 be **granted** in accordance with the recommendations in the report, subject to the development hereby permitted shall be maintained strictly in accordance with the details shown on the site location plan and approved drawing

PLANNING COMMITTEE MINUTES (Continued)

01771 02, and specification contained therein, submitted on 20 June 2017. **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.

84. **W/17/1301 – 33 Watling Road, Kenilworth**

The Committee considered an application from Mrs Antona for the erection of a two storey dwelling, to be attached to Number 33 Watling Road.

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

The officer was of the opinion that the principle of development was acceptable insofar as new dwellings in Kenilworth were concerned. The principle of developing this site was acceptable subject to the site specific considerations set out in the report. The development would not give rise to any harm to the general character and visual amenities of the area nor would there be any impacts on the amenity of neighbouring properties. There would be no detriment to highway safety and matters of ecological impacts and renewable energies could be suitably covered by condition and/or advisory notes to be attached to any forthcoming permission. For these reasons it was therefore considered that planning permission should be granted subject to the conditions and notes listed in the report.

An addendum circulated at the meeting advised that an additional consultation response had been received in relation to the Open Space contribution that would be sought.

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

The Committee therefore

Resolved that W/17/1301 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 1494-11, 1494-12, 1494-13 and 1494-14 and specification contained therein, submitted on 14 July 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick
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PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 1996-2011;

- (3) no part of the development hereby permitted shall commence until details of all proposed boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with those approved details. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (4) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

- (5) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

Reason: To ensure that adequate provision is

PLANNING COMMITTEE MINUTES (Continued)

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

- (6) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and
- (7) 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.

85. CAAD HS2 – Land at New Kingswood Farm, Dalehouse Lane, Kenilworth

The Committee considered an application from Mr G Minshull for a Certificate of Appropriate Development for the conversion of an agricultural building into three dwellings.

This application was made under the Land Compensation Act 1961, Section 17 as substituted by 63 of the Land and Compensation Act 1991.

The application was made to Committee because officers did not have delegated authority to deal with these applications.

The proposals the subject of this report arose from legislation which had been enacted to facilitate the delivery of the HS2 proposal and in particular were designed to assist landowners in realising an appropriate financial return upon the compulsory purchase of a property by, in this case, HS2 Limited.

A Certificate of Alternative Appropriate Development did not comprise a planning permission or a Prior Approval and did not permit development to

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be undertaken. Rather, it was intended to identify development which was considered to be acceptable and likely to obtain planning permission or the Prior Approval of the Council (were a submission to be made) in order to assist in the valuation (for the purpose of compulsory purchase) of the property in question.

Having undertaken an assessment of the main issues, the officer was of the opinion that prior approval would be given under Class Q for the conversion of the building into three residential units. It therefore followed that a Certificate of Appropriate Alternative Development should be issued.

An addendum circulated at the meeting advised that the recommendation should be amended to read "That a certificate of Appropriate Alternative Development be approved and issued". In addition, it advised that HS2 objected to the approval of the certificate on the grounds that the mitigation scheme for the HS2 scheme would affect the access.

Councillor Morris raised concerns that if Members were expected to treat the application as if it was a full application, there was not enough information within the report to do this. He proposed that the application be deferred until there was clear criteria for it to come back to committee. The proposal was not seconded.

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

The Committee therefore

Resolved that a Certificate of Appropriate Alternative Development in relation to Land at Kingswood Farm, Dalehouse Lane, Kenilworth is **approved** and **issued**.

86. Planning Appeals Report

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

Resolved that the report be noted.

(The meeting ended at 9.26pm)

CHAIRMAN
10 October 2017