

Planning Committee

Minutes of the meeting held on Tuesday 9 October 2018 in the Town Hall, Royal Leamington Spa, at 6.00 pm.

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

Also Present: Principal Committee Services Officer – Mrs Dury; Committee Services Officer – Mrs Tuckwell; Solicitor for the Council – Mrs Gutteridge; Senior Planning Officer – Mr Charles; Business Manager – Development Management – Mr Young; Manager – Development Services – Mr Fisher.

86. **Apologies and Substitutes**

There were no apologies or substitutes.

The Chairman explained that Councillor Ashford had been elected to replace Councillor Edgington on Planning Committee at the last meeting of Council. The agenda incorrectly still stated Councillor Edgington as a member of the Committee.

87. **Declarations of Interest**

Minute Number 92 - W/18/1276 - 2 Satchwell Place, Royal Leamington Spa

Councillor Boad declared an interest because the applicant approached him about six months ago. At the time, Councillor Boad advised the applicant to contact Councillor Quinney.

Councillor Weed declared an interest because she was the Ward Councillor.

Minute Number 99 - W/18/1729 - 35 Greville Smith Avenue, Whitnash

Councillor Heath declared an interest because he was the Ward Councillor.

Minute Number 93 - W/18/1602 - Land adjacent, 2 Mill Road, Royal Leamington Spa

Councillor Weed declared an interest because she was the Ward Councillor.

88. **Site Visits**

To assist with decision making, Councillors Ashford, Barrott, Boad, Cooke, Heath, Mrs Hill, Morris, Mrs Stevens and Weed visited the following application sites on Saturday 7 October 2018:

W/18/1276 - 2 Satchwell Place, Royal Leamington Spa;
W/18/1602 - Land adjacent, 2 Mill Road, Royal Leamington Spa;
W/18/1520 - Falcon Barn, Birmingham Road, Haseley;
W/18/1231 - Calmonfree, Haseley Knob, Haseley.

89. **Minutes**

PLANNING COMMITTEE MINUTES (Continued)

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

90. W/18/1284 – Cottage Baker, 52a Queen Street, Cubbington

The Committee considered an application from Mr & Mrs Soden for the proposed change of use from A1 retail unit to C3 residential, to provide a single dwelling.

This application was presented to Committee because it was recommended for refusal and Cubbington Parish Council was in support of the application, there were five letters of support for the application and one of the Ward Councillors, Councillor Wright, had called the application in to Committee for determination.

The officer was of the opinion that the proposed change of use would not adversely affect the character and appearance of the area, the special qualities, character and appearance of the Conservation Area and would not have a detrimental impact on local residents. However, the principle of development was contrary to the relevant provisions of the Local Plan and notwithstanding the information that had been submitted regarding the loss of the shop, the proposed change of use to a dwelling did not represent a facility or service, nor was there any justification as to what local need this proposal would satisfy. For these reasons the development would therefore be contrary to Local Plan policy TC17.

An addendum circulated at the meeting advised that the agent had submitted a further note making several additional points in support of the application. The Conservation Advisory Forum (CAF) considered that the building made a positive contribution to the Conservation Area and would welcome its retention and a viable use being found for it.

The following people addressed the Committee:

- Councillor Saul, Cubbington Parish Council, supporting;
- Mrs Miranda Rogers, supporting; and
- Councillor Wright, Ward Councillor, on behalf of Councillor Mrs Redford, supporting.

It was highlighted by Councillor Day that the property had been marketed for two years, in excess of the nine months required by the Local Plan policy TC17. Active marketing of the property had therefore been continuous since November 2016, as shown in a letter provided by EHB Letting Agents.

The report stated that there was an interested party at some point, however, the tenancy did not materialise because the landlord was not prepared to offer a reduced rent or pay for the fit out unit. Councillor Mrs Stevens pointed out that the personal circumstances of the landlord were not known to the Committee or indeed the officers, and therefore this should not be considered to the disadvantage of the applicant.

Councillor Boad mentioned that he was unable to see how the application did not comply with Policy TC17 and all avenues had been exhausted.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Barrott and seconded by Councillor Heath that the application should be granted contrary to the recommendations in the report and by virtue of compliance with Policy HE2.

The Committee therefore

Resolved that W/18/1284 be **granted** contrary to the recommendations in the report because the application does not contravene Local Plan Policies HE2 and TC17, subject to standard conditions and additional conditions to be agreed by officers in liaison with the Chairman of Planning Committee.

91. W/18/0554 - Waverley Riding School, Coventry Road, Cubbington

The Committee considered an application from Rosconn Strategic Land for the demolition and redevelopment of the existing equestrian centre to provide 16 no. dwellings (Class C3); widening and improvement to existing vehicular access and the road off Coventry Road; and provision of associated parking, landscaping and surface water attenuation.

This application was presented to Committee due to the number of objections received.

The proposal was for the re-development of an existing brownfield site within the Green Belt and as such, accorded with the exception tests as set out in the NPPF. The proposal was for residential development adjacent to and abutting the development boundary of the growth village of Cubbington. On this basis, Officers were satisfied that the development accorded with the housing policies of the Warwick District Local Plan.

The proposals were considered to represent a visual improvement relative to the current position and provided an acceptable residential environment. Technical matters on site could be secured by appropriate conditions and the scheme would not result in harm to the visual amenity of the area, the amenity of neighbours, highway safety or matters of ecology, drainage and archaeology.

- Councillor Wright, Ward Councillor, addressed the Committee in support of the application.

Councillor Bunker raised concerns regarding access to the pastureland and allotments, as highlighted in the public responses. Councillors also pointed out that the development did not provide sufficient affordable housing and did not meet the Local Plan Policy H2 which required a minimum of 40% affordable housing. In addition, it involved buildings within the Green Belt and it impacted on its openness.

Councillor Mrs Hill and Councillor Day were concerned about the site's compatibility with the neighbourhood. The development would be isolated from the local community because the only way to reach the local facilities would be by driving.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Barrott that the application should be refused, contrary to the recommendations set out in the report because the application did not comply with Policies DS18 Green Belt, H2 Affordable Housing, BE1 Layout and Design, BE3 amenity and TR1 Access and Choice.

The Committee therefore

Resolved that W/18/0554 be **refused**, contrary to the recommendation in the report for the following reasons: it was contrary to DS18 Green Belt; it did not meet H2 Affordable Housing; it did not meet BE1 Layout and Design; it did not meet BE3 amenity; and it did not meet TR1 Access and Choice.

92. W/18/1550 - West Hill, Westhill Road, Cubbington

The Committee considered an application from Mr Raeburn for the erection of detached four no. bay garage with one no. room to the rear and a walled courtyard to accommodate a further four no. cars.

The application was presented to Committee because Cubbington Parish Council supported the application and it was recommended for refusal.

The officer was of the opinion that the proposal was unacceptable because it comprised inappropriate development in the Green Belt which was harmful by definition and by reason of harm to openness. No very special circumstances were considered to exist which would outweigh the harm identified. The proposed position of the garage was considered to be out of character within the context of the site, and therefore the proposed was contrary to BE1.

The following people addressed the Committee:

- Mr Peter Jenkins, supporting; and
- Councillor Wright, Ward Councillor, supporting.

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

The Committee therefore

Resolved that W/18/1550 be **refused** in accordance with the recommendations in the report for the following reason:

The erection of a detached outbuilding within the Green Belt was inappropriate development which was harmful by definition and by reason of harm to openness. In the opinion of the LPA, no very special circumstances had been put forward to outweigh the harm identified. The 'Permitted Development fall-back position' put forward by the applicant was not

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considered to constitute very special circumstances to outweigh the harm identified and to take such an approach would set a dangerous precedent.

The development was therefore contrary to Paragraphs 143 - 145 of the NPPF and Local Plan Policy DS18.

93. W/18/1276 - 2 Satchwell Place, Royal Leamington Spa

The Committee considered an application Miss Duggan for retrospective permission for the installation of a fence to the front of the property.

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

The officer was of the opinion that the development was considered to be out of keeping and harmful to the character of the area. Furthermore, the fencing was considered to cause harm to the setting of the listed building and Conservation Area. The harm was considered to be less than substantial, however, there were considered to be no public benefits to the scheme which would outweigh the harm caused. The proposal was therefore considered to be contrary to the NPPF and Local Plan policies BE1, HE1 and HE2, and therefore the application should be refused.

An addendum circulated at the meeting advised of an additional public response in support.

The following people addressed the Committee:

- Ms Waddell, supporting; and
- Councillor Quinney, Ward Councillor supporting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, a motion to grant the application was defeated.

Subsequently, it was proposed by Councillor Boad and seconded by Councillor Day that the application should be refused for the reasons set out in the report.

The Committee therefore

Resolved that W/18/1276 be **refused** in accordance with the recommendations in the report for the following reasons:

- (1) the proposed development by reason of its positioning around the front curtilage of one of a group of Grade II Listed properties within the Leamington Spa Conservation Area along with its stark and modern design would be harmful to the setting of those Listed properties and would fail to preserve and enhance the character of that Conservation Area;

PLANNING COMMITTEE MINUTES (Continued)

- (2) there were no public benefits arising from the proposal which were sufficient to outweigh that less than substantial harm;
- (3) it was contrary to the National Planning Policy Framework;
- (4) contrary to the Warwick District Local Plan 2011-2029;
- (5) contrary to Policy BE1: Layout and Design;
- (6) contrary to Policy HE1: Designated Heritage Assets and their Setting; and
- (7) contrary to Policy HE2: Conservation Areas.

Following the issuing of the decision, Officers were requested to enter negotiations with the land owner for up to six months and provide an update to the Committee prior to the undertaking of enforcement action and to provide an update to the Committee at a future meeting.

(At 9:00pm the Chairman adjourned the meeting for 15 minutes.)

94. W/18/1602 - Land adjacent, 2 Mill Road, Royal Leamington Spa

The Committee considered an application from Mr Whitehead & Ms Hepburn for the erection of one no. dwelling house (resubmission of application ref: W/18/0591).

Councillor Quinney had requested that this application was presented to committee because the recommendation was to refuse.

The officer was of the opinion that the proposed development would represent a contrived, cramped and incongruous form of development which would be harmful to the street scene and Conservation Area. The development was therefore considered to be contrary to Local Plan policies BE1, HE1, HE2 and the adopted relevant guidance. The application should therefore be refused.

An addendum circulated at the meeting advised that one additional public response had been received.

The following people addressed the Committee:

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

Councillor Mrs Stevens highlighted the fact that although a Conservation Area, there were several blocks of flats nearby and overall the area was very mixed. Councillor Mrs Stevens also mentioned the fact that there was a need for one-bedroom housing units in the District, and that she found the report to be dogmatic and prescriptive.

PLANNING COMMITTEE MINUTES (Continued)

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

The Committee therefore

Resolved that W/18/1602 be **granted** contrary to the recommendations in the report, because the area did not justify being within the Conservation Area, subject to standard conditions and additional conditions to be agreed by officers in liaison with the Chairman of Planning Committee.

(The Council's video recording and microphone system failed at the start of this item and was therefore switched off.)

95. W/18/1231 - Calmonfree, Haseley Knob, Haseley

The Committee considered an application from Mr Bridges for the erection of a first floor side extension.

This application was presented to Committee because Beausale, Haseley, Honiley and Wroxall Parish Council supported the application and it was recommended for refusal.

The officer was of the opinion that the proposed development would represent a disproportionate addition to the application property which constituted inappropriate development in the Green Belt, which would be harmful by definition. The proposal would also cause harm to openness, and no very special circumstances had been presented which outweighed the harm identified.

The following people addressed the Committee:

- Councillor Slatem, Parish Councillor, supporting; and
- Mr Bridges, supporting.

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

The Committee therefore

Resolved that W/18/1231 be **refused**, in accordance with the recommendations in the report for the following reason:

The proposed development represented a disproportionate addition to the original building as it would increase the overall bulk and mass of the property and would extend the overall visual impression and therefore would constitute inappropriate development in the Green Belt which would be harmful by definition and by reason of harm

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to openness. No very special circumstances were considered to exist which outweigh the harm identified.

The proposed development is therefore contrary to the National Planning Policy Framework and to Policy H14 of the Warwick District Local Plan 2011-2029.

96. W/18/1520 - Falcon Barn, Birmingham Road, Haseley, Warwick

The Committee considered an application from Mr and Mrs Foss regarding the erection of a single storey link extension between the existing detached garage and converted barn; installation of six no. roof lights in the front and rear roof slopes of the converted barn and three no. roof lights in the rear roof slope of the existing detached garage; changes to the external facing materials of the existing detached garage; installation of one no, four-paned bi-fold door in the side elevation of existing detached garage; installation of one no., four-paned window in the rear elevation of the dwelling house; and installation of replacement like-for-like windows and doors.

This application was presented to Committee because Beausale, Haseley, Honiley and Wroxall Parish Council supported the application and it was recommended for refusal.

The officer was of the opinion that the proposal was not considered to meet the requirements of Local Plan Policies DS18 and H14, and the Guidance for Barn Conversions SPG and was therefore recommended for refusal.

The following people addressed the Committee:

- Mr Foss, supporting; and
- Councillor Gallagher, Ward Councillor, speaking in support.

Following consideration of the report, presentation and the representations at the meeting, a motion to grant the application was defeated after the Chairman used his casting vote. A motion to refuse the application proposed by Councillor Cooke, and seconded by Councillor Day followed.

The Committee therefore

Resolved that W/18/1520 be **refused**, in accordance with the recommendations in the report because:

- (1) Policy H14 of the Warwick District Local Plan (2011-2029) sets out a number of criteria for the conversion of existing rural buildings within the District and the policy specifically refers to the need for the proposed use to be accommodated without extensive rebuilding or alteration to the external appearance of the building, and for the appearance and setting of the building following conversion to protect and where possible, enhance the character and appearance of the countryside. The explanation
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to the policy states that where proposals include extending rural buildings as part of their conversion, these will not be approved unless it can be demonstrated that the extension is essential for the retention of the building.

The application site which lies within the Green Belt comprises a converted former agricultural building which is now used for residential occupation. The District Council has approved Supplementary Planning Guidance on barn conversions, and permitted development rights for subsequent extensions are removed in order to ensure that the character and appearance of the converted buildings and their setting within the wider countryside are respected and protected.

The proposed extension, additional windows and roof lights, replacement windows and doors are considered inappropriate alterations to this converted barn. In the opinion of the Local Planning Authority, the proposal disrupts the simple form of the converted barn in terms of the simple linear shape and also seeks to add a domestic feature, both of which would detract from the original character and appearance of the building, thereby prejudicing the objectives of the aforementioned policy. If permitted, this type of extension could act as a precedent for extensions to other converted barns which would be difficult to resist, thereby cumulatively eroding the character and appearance of the countryside to the detriment of the wider Green Belt and open countryside within the District.

- (2) Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System advises that it is essential that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision. Circular 06/2005 advises that the need to ensure that ecological surveys are carried out should only be left to conditions in exceptional circumstances. No such circumstances exist in this case.

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A motion to adjourn the meeting until the following evening was proposed by Councillor Ashford and seconded by Councillor Barrott.

Resolved that the meeting be adjourned to reconvene on Wednesday 10 October 2018 at 6.00pm at the Town Hall in Royal Leamington Spa.

(The meeting was adjourned at 10.28pm)

Resumption of the adjourned Planning Committee meeting held on Wednesday 10 October 2018 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Ashford, Mrs Bunker, Day, Heath, Mrs Stevens and Weed.

Also Present: Civic & Committee Services Manager – Mrs Barnes; Committee Services Officer – Mrs Tuckwell; Solicitor for the Council – Mrs Gutteridge; Head of Development Services – Mr Barber; Senior Planning Officer – Mr Charles; and Manager – Development Services – Mr Fisher.

Apologies for absence were received from Councillors Barrott, Boad, Mrs Hill and Morris.

Declarations of Interest had been submitted on Tuesday 9 October 2018.

97. W/18/0995 - Land North of Common Lane, Coventry

The Committee considered an application from Mr Bryan for the variation of condition no. 4 (approved plans) of planning permission W/14/1340 (Erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane (outline application including details of access - resubmission of W/14/0618) to remove the reference to an advanced stop line for cyclists which was no longer required as part of the highway works.

This application was presented to Committee because it was recommended that planning permission be granted subject to the completion of a Supplemental Deed further to the original legal agreement and subsequent Deed of Variation.

The original planning permission was granted under an outline application reference W/14/1340 and the reserved matters pursuant to this outline were subsequently approved under application reference W/17/1552. The policies and material considerations relevant to both the outline and the reserved matters decisions were set out in the associated officer reports.

The officers were of the opinion that the variation of condition 4 to remove the reference to the advanced stop line for cyclists would not result in any detriment to the access and parking arrangements, nor would there be any harm to highway safety in more general terms. There would be no other resulting harm 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

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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.

Following consideration of the report and presentation, it was proposed by Councillor Day and seconded by Councillor Mrs Bunker that the application should be granted in accordance with the recommendations in the report.

The Committee therefore

Resolved that W/18/0995 be **granted**, in accordance with the recommendations in the report, subject to the following conditions:

- (1) this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application. Details of the layout, scale, appearance and landscaping shall be carried out in accordance with the reserved matters approved by the Local Planning Authority on 13 March 2018 under ref. W/17/1552. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 as amended;
- (2) the development to which this permission relates shall begin within three years of the date of planning permission ref: W/14/1340, i.e. 23 December 2014 or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (B.0292_13, B.0292_13-2, 461095-014 submitted on 25 September 2014 and 10 November 2014. Tree removal and tree protection plan Figure 2 submitted on 25 September 2014), and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (4) no part of the development hereby permitted shall commence until a scheme has been submitted to and approved in writing by the

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local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;

- (5) 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 local 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, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

- (6) the development hereby permitted shall not commence until:

- 1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to human health;
 - a risk assessment to be undertaken relating to

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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; and
- the development of a method statement detailing the remediation requirements.

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

(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall 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

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monitoring proposals and reporting shall also be detailed in the report.

Reason: To safeguard health, safety and the environment in accordance with Policies BE3, NE4 and NE5 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;
- (8) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of noise, vibration, dust, dirt and light during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR3 and NE5 of the Warwick District Local Plan 2011-

2029;

(9) no development shall take place unless and until a Low Emission Strategy addressing the requirements of the guidance for a medium scheme under the LES guidance and confirmation from the developer to provide EV charging points 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 NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2012;

(10) the development hereby permitted shall be carried out in strict accordance with a drainage scheme and details of the following that shall have been submitted to and approved in writing by the local planning authority:

- The applicant is to provide detailed design plans showing the existing and proposed foul & surface water drainage systems for the site, showing the location of yard and road gullies, manhole's, soak ways, septic tanks, cess pits and pipes including size, shape, material, fall and level in relation to ground and building levels. This should include a manhole schedule.
- The applicant is to provide detailed engineering drawings of the proposed attenuation pond and any other SUDS features incorporated into the design of the site. This should include vehicle and pedestrian access to the proposed attenuation pond to allow for maintenance crews to access the area to maintain control structures and the pond.
- Where works are located within 8m of the watercourse the applicant must obtain land drainage consent from the Environment Agency
- The applicant is to obtain discharge consent from the Environment Agency as part of the application.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance

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with Policy FW2 of the Warwick District Local Plan 2011-2029;

- (11) the development hereby permitted shall proceed only in strict accordance with the Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work dated 11 January 2017 and the Mitigation Strategy approved in writing by the Local Planning Authority on 15 January 2018 in pursuance of part (c) of condition 5 of planning permission W/14/1340.

A programme of evaluative archaeological work and associated post-excavation analysis, report production and archive deposition detailed within the approved 'Written Scheme of Investigation for an Archaeological Excavation at Land North of Common Lane, Kenilworth, Warwickshire' (version 3) shall be completed within 6 months of commencement of the development.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the approved Mitigation Strategy shall be undertaken and completed within 6 months of commencement of the development.

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, in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (12) the development hereby permitted shall be carried out in accordance with the detailed lighting scheme approved by the local planning authority on 1 May 2018. 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 that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029;

- (13) the development hereby permitted (including

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demolition) shall be carried out strictly in accordance with the Construction and Environmental Management Plan approved in writing by the local planning authority 6 September 2017. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, are to be employed whilst works are taking place on site. The approved measures set out in the CEMP shall be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy NE2 of the Warwick District Local Plan 2011-2029;

- (14) the development hereby permitted shall be carried out strictly in accordance with the Landscape and Ecological Management Plan approved in writing by the local planning authority 28 February 2018. The approved measures set out in the LEMP shall be implemented in full. **Reason:** To ensure a net bio-diversity gain in accordance with the National Planning Policy Framework (NPPF) and in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
- (15) the development hereby permitted shall be carried out in accordance with the agreed scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site approved in writing by the Local Planning Authority on 12 April 2018. The development shall not be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **Reason:** In the interests of fire safety;
- (16) the development hereby permitted shall be carried out strictly in accordance with the full details of the design and appearance, including materials, of the bridge access into the site approved in writing by the Local Planning Authority on 12 September 2017. The approved details shall be implemented in full prior to the occupation of the development. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

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- (17) the development hereby permitted shall be carried out in accordance with the details of the rain water harvesting scheme approved in writing by the local planning authority on 1 May 2018. This phase of the development shall not be first occupied until the works within this scheme have been completed and thereafter the works shall be retained at all times.

Reason: To ensure that the re-use and recycling of rain water is facilitated within this phase of the development in accordance with the provisions of Policy FW2 in the Warwick District Local Plan 2011-2029;

- (18) any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (19) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, 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) and

PLANNING COMMITTEE MINUTES (Continued)

shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (20) the mix of type and size of market dwellings submitted as part of any reserved matters application is to be agreed with the Local Planning Authority within the following parameters: 2 bed houses - 10-20%, 3 bed houses - 30-40%, 4 bed houses 55-65%. **Reason:** To ensure that the housing meets, as closely as possible, the needs of the District as required by Policy H4 of the Warwick District Local Plan Review 2011-2029 and the NPPF as closely, taking into account the viability of the development;
- (21) no construction will be undertaken until a Construction Management Plan, which must contain a Construction Phasing Plan and HGV routing plan has been submitted and approved by the local planning authority. **Reason:** In the interests of highway safety, in accordance with Policy TR1 in the Warwick District Local Plan 2011-2029;
- (22) prior to the commencement of the development (not including alterations to the bridge structure), the access to the site from Common Lane shall be constructed, located and laid out in general accordance with drawing number 461095-003 Rev 1 (*Minor alterations may be required during the detailed design process*). **Reason:** In the interests of highway safety, in accordance with Policy TR1 in the Warwick District Local Plan 2011-2029; and
- (23) no infill material system material (soil) shall be imported to the site unless and until analytical test results for the material have been submitted to and approved in writing by the District Planning Authority. The analytical

PLANNING COMMITTEE MINUTES (Continued)

results shall demonstrate that the soil is suitable for its final use. Once the material is in place a further report shall be submitted to and approved in writing by the Local Planning Authority to confirm that the soil cover meets or exceeds the agreed capping depth. **Reason:** To protect the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029.

98. W/18/1435 - Land South of Gallows Hill, Banbury Road, Warwick

The Committee considered an application from William Davis Limited & Hallam Land Management Limited regarding outline permission, with all matters reserved except access, for a residential development of up to 180 dwellings, public open space, landscaping, access to Gallows Hill, sustainable urban drainage systems, footpaths/cycle ways and associated infrastructure.

This application was presented to Committee because it raised significant issues and, in the opinion of the Head of Development Services, it would be prudent to refer the application to Committee for decision.

The site was allocated within the Local Plan for residential development as part of allocation H46A. When taking into consideration the extant planning permission for 450 dwellings on the eastern element of the site, the proposed number of dwellings was in direct accordance with the overall allocation of 630 dwelling. The applicant had demonstrated that the site was capable of accommodating a very high quality scheme at that level which was acceptable in overall terms including in respect of the integration of built development within the surrounding historic landscape and the appropriate management of air quality issues such that the previous reasons for refusal had been addressed.

For the above reasons, Officers recommended that outline planning permission be granted, subject to the conditions listed.

An addendum circulated at the meeting advised that at page 10 of the report, reference was made to an appeal against W/17/2275. This was, in fact, the earlier application W/17/0699. In addition, there was also an update to S106 Requests -The Warwickshire Police request was £33,243 not £27,487 as stated in the report. Updated conditions were also included in the addendum. The changes included removal of phasing condition as not required, variation of masterplan condition to be in accordance with details submitted and variation of design code condition to be in accordance with details submitted. Conditions were amended to be prior to commencement of dwellings, to allow works to spine road and access to commence together with minor wording alterations.

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

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/18/1435 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) details of the appearance, landscaping, layout and scale of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended);
- (2) application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) no part of the development hereby permitted shall be commenced until a detailed access plan including details of the proposed alterations to the highway has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highways Department. Thereafter, the approved access shall be carried out in general accordance with the approved details prior to the first occupation of any dwellings constructed on the site. **Reason:** In the interest of highway safety and to ensure appropriate access is available for the future occupiers of the dwellings;
- (5) no commencement of the dwellings shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the

PLANNING COMMITTEE MINUTES (Continued)

local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps.
- b. the brightness of lights should be as low as legally possible.
- c. lighting should be timed to provide some dark periods.
- d. connections to areas important for foraging should contain unlit stretches.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in strict accordance with those approved details. **Reason:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE2, NE4 and NE5 of the Warwick District Local Plan 2011-2029;

- (6) the development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species and subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy NE2 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the
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PLANNING COMMITTEE MINUTES (Continued)

Local Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as the pond, wildflower grasslands; provision of habitat for protected species. The plan should also include details on soil management to make best use of the high quality soils on site -detailed guidance to inform this matter is available in Defra '*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*'. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF;

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

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

- (9) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented in strict accordance with the approved scheme.

Reason: In the interests of fire safety;

PLANNING COMMITTEE MINUTES (Continued)

(10) the development hereby permitted shall not commence until:

1(a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This must be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

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

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

(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall 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 NE4 and NE5 of the Warwick District Local Plan 2011-2029;

- (11) no development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies FW1, FW2 and NE4 of the Warwick District Local Plan 2011-2029;

- (12) 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 foul water drainage facilities are available for the
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PLANNING COMMITTEE MINUTES (Continued)

satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;

(13) the commencement of the dwellings hereby permitted shall not start until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter. **Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

(14) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for:

- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings

PLANNING COMMITTEE MINUTES (Continued)

- Plant and storage of materials associated with the development process
 - External safety and information signing notices
 - Complaints procedures, including complaints response procedures and dedicated points of contact
 - Best practicable means shall be employed at all times to control noise and dust on the site including:
- Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 - Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

The measures indicated within the Construction Management Plan shall be implemented prior to the commencement of the development and maintained for the duration of the works, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 and NE5 of the Warwick District Local Plan 2011-2029;

- (15) no commencement of the dwellings shall take place unless and until a Low Emission Strategy 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 NE5 of the Warwick District Local Plan 2011-2029 and the aims and objectives of national guidance within the NPPF 2018;

- (16) prior to the commencement :
- a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the Local Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

- the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the Local planning authority.

- An Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation. Unless otherwise agreed with the Local Planning Authority, no development shall take place until any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Local Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical developments are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE6 of the Warwick District Local Plan 2011-2029;

- (17) no reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Masterplan for the approved development, which shall substantially be in accordance with the approved plans and documents listed above in condition 4 and the principles set out within the Council's approved document 'Garden Towns, Villages and Suburb: A Prospectus for Warwick District Council, May 2012' (and any subsequent revision and/or approved plans/strategy available at the time), and which shall also accord with the principles set out in the approved Site Wide Design Code. The Site Wide Master Plan shall include the following:

- Illustrative details of how the proposed

PLANNING COMMITTEE MINUTES (Continued)

- layout of development has been designed with due regard to the surrounding urban and rural context
- Land form topography as existing and proposed
 - Land use plan and character areas (including densities and building heights)
 - Movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) and demonstrating how these relate to existing movement networks in the wider area
 - Location of any areas for off-street car parking areas and courts
 - Key infrastructure (including SUDs, significant utility provision, schools, district/local centres)
 - Landscape corridors and open space network
 - Public open space
 - Housing mix including tenure and size of dwelling
 - Location of affordable housing
 - Street tree planting and other structural planting landscape areas
 - Hard and soft landscaping treatments
 - Street lighting arrangements and any other lighting to public space
 - A phasing plan including triggers for delivery of key elements of supporting infrastructure
 - A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

Reason: In the interests of good urban design and a comprehensively planned development in accordance with submitted details within the Design and Access Statement, NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029;

- (18) no reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with the principles and parameters as set out within the DAS, the plans and documents listed in condition 4 above and "Garden Towns, Villages and Suburbs: A
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Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time). The Design Code shall include the following matters:

- hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas)
 - Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
 - Building types
 - Building heights
 - The means to accommodate the parking of vehicles and cycles
 - Sustainable Urban Drainage features
 - Key spaces, open spaces and green features
 - Architectural language and detailing
 - Design principles for street tree planting and other structural planting landscaping areas
 - Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management
 - Design principles on waste disposal and recycling
 - Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures
 - Design principles for street lighting and any other lighting to public space (including parking areas)
 - The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250
 - A mechanism for periodic review and refinement if necessary of the approved Design Code
- The Design Code shall then be used to inform the subsequent reserved matters applications.

PLANNING COMMITTEE MINUTES (Continued)

Reason: In the interests of good urban design and a comprehensively planned development in accordance with submitted details within the Design and Access Statement, NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029;

- (19) any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;
- (20) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, 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) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those trees and shrubs which are of significant amenity value
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and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- (21) The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites".
Reason: To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF.

99. W/18/1571 - 222 Rugby Road, Royal Leamington Spa

The Committee considered an application from Mr Franch for the proposed change of use from C3 residential (existing 1no. one bedroom flat and 1no. two bedroom flat) into a six bedroom House in Multiple Occupation (use class C4).

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

The officer was of the opinion that the proposed change of use to an HMO within the area adhered to the criteria set out within the Local Plan and more specifically Policy H6. In any event, the principle of a small HMO at this site had already been established pursuant to planning permission W/18/0666. There would be no additional harm to nearby uses or residents as a result of the proposal which added two bedrooms to the already approved application. The parking arrangements were considered to be acceptable. Adequate waste storage was already provided and therefore the application should be granted.

Following consideration of the report and presentation, it was proposed by Councillor Heath and seconded by Councillor Day that the application should be granted, subject to the conditions in the report.

The Committee therefore

Resolved that W/18/1571 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
 - (2) the development hereby permitted shall be carried out strictly in accordance with the
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details shown on the site location plan and approved drawings 102C and 105D, and specification contained therein, submitted on 12th September 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

100. W/18/1729 - 35 Greville Smith Avenue, Whitnash

The Committee considered an application from Mrs J Robbins for rendering of existing house and erection of a single storey side and rear extension in matching render.

This application was presented to Committee as the applicant was an employee of Warwick District Council.

The officer was of the opinion that, for the reasons set out in the report, the proposed development was considered to be acceptable in terms of design and amenity.

An addendum circulated at the meeting advised of a further consultation response – there were no objections from Whitnash Town Council.

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

The Committee therefore

Resolved that W/18/1729 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).; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 17/46-02 A, and

PLANNING COMMITTEE MINUTES (Continued)

specification contained therein, submitted on 06th September 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

101. W/17/2398 - Red Lane, Burton Green, Kenilworth

The Committee considered an application from Ms C Wall for the construction of a new Village Hall for Burton Green.

The construction of a new village included car park, boules pitch and outside recreation area. This would replace the existing hall which was due for demolition to make way for the construction of the high speed railway HS2. For this reason the site was included in the High Speed Rail (London – West Midlands) Act 2017.

This application was presented to Committee due to the number of objections received.

The officer was of the opinion that the applicants had demonstrated unique and very special circumstances for the location of this development within the Green Belt. The proposal was therefore considered acceptable in principle and was considered an appropriate form of development for the site. The proposal would also respect the character of the local area and its design and layout would not have an adverse impact on neighbours' amenity sufficient to warrant refusal. Matters of access, car parking, landscaping and the impact on archaeological potential were considered acceptable, subject to conditions. For these reasons, Officers recommended that planning permission was granted.

An addendum circulated at the meeting advised of further responses from Councillor Illingworth and Councillor Coker expressing their support for the application. An extra condition was recommended by the Environmental Health Officer requiring that all windows and doors be kept shut in order to contain noise after 11.pm.

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

The Committee therefore

Resolved that W/17/2398 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);

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(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) 3131/03D, 3131/04, 3131/05, 3131/06, LEHE 24-001, Impact Acoustics Assessment Report and specification contained therein, submitted on 1st August 2018, 21st December 2017, 2nd August 2018 and November 2017 respectively. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

(3) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

(4) no development shall take place within the application site, unless and until:

(a) a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority;

(b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken and a report detailing the results of this fieldwork shall be submitted to the planning authority; and

c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

PLANNING COMMITTEE MINUTES (Continued)

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document.

Reason: In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical developments are recorded, preserved and protected where applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029;

- (5) the development hereby permitted shall not commence until details of the acoustic fence and earth bund have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the fence and bund have been installed in strict accordance with the approved details. The fence and bund shall be retained at all times thereafter. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (6) prior to commencement of the development a scheme for the proper disposal of foul sewage from the site shall be submitted to and agreed in writing with the Local Planning Authority. **Reason:** To ensure that the proposal is built in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

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

- (8) the development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable
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PLANNING COMMITTEE MINUTES (Continued)

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 shall have been submitted to and approved in writing by the local planning authority. The scheme shall include:

i) Cross-sections of the swale or permeable paving features have been provided to demonstrate design in accordance with CIRIA C753, The SuDs manual.

ii) Demonstrate the performance of any drainage for a range of return periods up to the 1 in 100 year plus climate change event

iii) Demonstrate that consideration has been given to any exceedance flow and overland flow routing.

iv) Evidence for the ongoing management and maintenance of any drainage features for the lifetime of the development.

The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details.

Reason: To ensure 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 BE1 and FW2 of the Warwick District Local Plan 2011-2029;

- (9) the development shall not be occupied until:
- (a) a scheme has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority to improve public highway C15 D Red Lane by means of providing an uncontrolled pedestrian crossing facility linking to the footpath on the opposite side of Red lane from the proposal; and

- (b) the pedestrian crossing approved under (a) has been installed in strict accordance with the approved details.

Reason: In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (10) the development shall not be occupied until
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PLANNING COMMITTEE MINUTES (Continued)

visibility splays have been provided to the vehicular access to the site measuring 2.4 x 120m to the east and 2.4 x 150m to the junction of Red Lane and Cromwell Lane to the west in strict accordance with submitted drawing 19405-02 (appendix D of the transport statement). 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 and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (11) the development shall not be occupied until an access for vehicles has been provided to the site not less than 5.5 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (12) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (13) the access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (14) prior to occupation, a goal post style barrier for the vehicular access shall be installed in strict accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The barrier shall be retained at all times thereafter. **Reason:** To ensure that the proposal is built in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (15) noise arising from any plant or equipment at these premises , when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) measured as LAeq(5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level

Any combustion plant at the premises must be designed, installed and operated to avoid emission of smoke, dust, fumes or odours causing nuisance to neighbours. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (16) no person shall use and no activity shall take place on any outside area of the site after before 0700 hours of after 2200 hours on any day. **Reason:** The outside recreation area is located near to residential properties and the local planning authority considers it necessary to strictly control the nature and intensity of use of this area in the interests of the amenities of the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029; and

- (17) all windows and doors be kept shut to contain noise after 11.00 pm.

102. Urgent Item One – W/14/0967, Land North of Gallows Hill, Warwick

The Committee considered an application from Warwickshire County Council for the construction of a development of up to 425 residential dwellings (Use Class C3), medical centre, community hall, formal and informal green spaces, sports and recreation provision, structural landscaping, new roads, footpaths and cycle ways, site access and ancillary works (outline application including details of access).

Following consultation with the Chairman, it had been agreed to consider this item as urgent because the Original Agreement needed to be varied by 15 November 2018 when it was anticipated that Warwick District Council would complete the purchase of the land. It was not possible to put the matter before Committee prior to this date because negotiations between the parties regarding the detail of the variations had been on-going.

This application was presented to Committee due to the fact that it required various amendments to the Section 106 Agreement.

PLANNING COMMITTEE MINUTES (Continued)

The test to be applied when deciding whether to modify a Section 106 Agreement was whether the obligation would serve its purpose “equally well” as modified. It was considered that the proposed changes to the Section 106 Agreement were in accordance with the Council’s policies and served the planning purposes equally as well as the original version. Therefore it was considered that this test was satisfied.

The Original Agreement would be varied to reflect the negotiations that had taken place between the parties and to attribute the obligations proportionately. Two alternative variation agreements had been drafted: The Attribution Version (the “AV”) would have effect if both Waterloo Housing Group and Warwick District Council proceeded with the planned purchases. The Rectification Version (the “RV”) would have effect if the purchases did not proceed or if only one purchase proceeded.

The Committee received clarification on a number of the points from the Legal Officer and noted that this was predominantly a technical issue. Following consideration of the report and presentation, it was proposed by Councillor Ashford and seconded by Councillor Day that the application should be granted in accordance with the recommendations in the report.

The Committee therefore

Resolved that the two alternative variations of the Original Agreement on planning permission W/14 /0967, be **approved** in accordance with the recommendations in the report as follows:

(1) Rectification Version

- that the variation approved at paragraph 1.2 above is amended so that the land intended for the community stadium (the “Community Stadium Land”) is safeguarded for a period of three years from 30 June 2018 instead of 3 years from the date of varied Section 106 Agreement;
- that the variation also reflects the fact that the parties have agreed that the Community Stadium Land shall also include the Community Hall and GP Facility (the size of the safeguarded Community Stadium Land has accordingly been increased to 3.7 ha);
- commencement of development will not be blocked pending transfer of the Off-site Open Space (the agreement will still require early transfer but this will be an obligation affecting only WCC and WDC and not the buyer of the County Council’s residual land);

PLANNING COMMITTEE MINUTES (Continued)

- the formula for the Biodiversity Offsetting Contribution may be varied to recognise the contribution to biodiversity to be made on the Off-site Open Space; and
- that the obligation for WCC to appropriate the Education Land for Education Purposes within 6 months of the commencement of the development is removed; and

(2) Attribution Version

- that, contrary to paragraph 2.3 in the report, the variation does not include step in rights to enable the District Council to construct the Spine Road, install servicing and recover costs. It has now been agreed that these rights will be included in the sale agreement between the District Council and the County Council;
- that the agreement is varied so that the owner of the land to be purchased by Waterloo Housing Group is obligated to construct the Spine Road and provide servicing within a certain timescale;
- commencement of development will not be blocked pending transfer of the Off-site Open Space (the agreement will still require early transfer but this will be an obligation affecting only WCC and WDC and not WHG);
- That the obligation for WCC to appropriate the Education Land for Education Purposes within 6 months of the commencement of the development is removed; and
- the formula for the Biodiversity Offsetting Contribution may be varied to recognise the contribution to biodiversity to be made on the Off-site Open Space.

103. Urgent Item Two – W/17 /2357 - Land to the South of Westwood Heath Road, Burton Green, Coventry

The Committee considered an application from Crest Nicholson Operation Limited for the construction of a hybrid planning application for the erection of up to 425 dwellings (detailed first phase of 129 dwellings with the remainder of the site being outline including details of access), convenience store of up to 400 sqm gross together with the erection of formal and informal open space including allotments, infrastructure provision and

PLANNING COMMITTEE MINUTES (Continued)

associated work together with means of access onto Westwood Heath Road and agricultural access onto Bockendon Lane.

Following agreement with the Chairman, it had been agreed to consider this item as urgent because the Section 106 Agreement was close to completion and the length of time involved in waiting to the next Planning meeting would further delay the completion of the agreement and the issuing of the decision.

This application was presented to Committee due to the fact that it required a proposed amendment to the Section 106 Agreement.

The test to be applied when deciding whether to modify a Section 106 Agreement was whether the obligation would serve its purpose "equally well" as modified. It was considered in this instance that since nothing previously agreed was proposed to be varied and instead the change involved only the addition of one financial contribution, the proposed change to the Section 106 Agreement was in accordance with the Council's policies and served the planning purposes equally as well as the original version. Therefore it was considered that this test was satisfied.

The proposed variation to the terms of the Agreement was the inclusion of one additional obligation on the developer, specifically, an additional financial contribution, requested by the Place Partnership Limited (PPL), which managed the combined estates of Warwickshire Police (WP) and West Mercia Police (WMP). WP and WMP acted as one on all infrastructure and town planning related matters across their combined geographical areas and this included making joint representations through PPL to local planning authorities. It was important to clarify, however, that the two forces retained their separate Police and Crime Commissioners and respective command teams.

The request from the Police was a financial contribution of £97,415 which was sought to mitigate the additional impacts of the proposed development. The necessary justification had been provided to substantiate the amount requested, it was directly related to the development and the request was related to the scale and kind of the application development.

The Legal Officer addressed Members and advised that the applicant was requesting an addition to the S106 agreement and none of the previous details had been changed.

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

The Committee therefore

Resolved that the proposed addition to the content of the Section 106 agreement, on planning permission W/17 /2357, which entails the inclusion of one additional obligation be **approved** in accordance with the recommendations in the report.

PLANNING COMMITTEE MINUTES (Continued)

104. 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 6.48 pm)

CHAIRMAN
6 November 2018