

Planning Committee

Tuesday 29 January 2019

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 29 January 2019 at 6.00pm.

Councillor Cooke (Chairman)

Councillor Day (Vice Chairman)

Councillor Ashford

Councillor Mrs Hill

Councillor Barrott

Councillor Morris

Councillor Boad

Councillor Mrs Stevens

Councillor Mrs Bunker

Councillor Weed

Councillor Heath

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be displayed on screen for information.

Agenda

Part A – General

1. Apologies and Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Site Visits**

The Chairman to report the location of the planning application sites visited and the names of the Committee Members who attended.

4. **Minutes**

To confirm the minutes of the Planning Committees of:

Item 4a - 11 December 2018 **(Pages 1 to 22)**

Item 4b - 12 December 2019 **(Pages 1 to 90)**

Part B – Planning Applications

To consider the following reports from the Head of Development Services:

5. **W/18/0522 – Gateway South, Land to the South and West of Coventry Airport and Middlemarch Industrial Estate, Coventry** **(Pages 1 to 3)**
****Major application****
6. **W/18/1141 - Land rear of 177-179 Chessetts Wood Road, Lapworth** **(Pages 1 to 9)**
7. **W/18/1811 – Land South of Lloyd Close, Hampton Magna** **(Pages 1 to 26)**
****Major Application****
8. **W/18/1929 – 49 High Street, Royal Leamington Spa** **(Pages 1 to 6)**
9. **W/18/1984 – White Lion, 60 Southam Road, Radford Semele** **(Pages 1 to 7)**
10. **W/18/2002 – 68 Clarendon Street, Royal Leamington Spa** **(Pages 1 to 9)**
11. **W/18/2007 – Romary, 19 Hill Wootton Road, Leek Wootton** **(Pages 1 to 3)**
12. **W/18/2012 – 53 Chesham Street, Royal Leamington Spa** **(Pages 1 to 4)**
13. **W/18/2281 – Land adjacent to 2 Mill Road, Royal Leamington Spa** **(Pages 1 to 9)**

Part C – Other matters

14. **Appeals Report** **(To follow)**

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.

- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications or Tree Preservation Order reports being put before the Committee. If you wish to do so, please call 01926 456114 (Monday to Thursday 8.45am to 5.15pm and Friday 8.45am to 4.45pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified.

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General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the Case Officer named in the reports.

You can e-mail the members of the Planning Committee at

planningcommittee@warwickdc.gov.uk

Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

Please note that the majority of meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 456114 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

The agenda is available in large print on request,
prior to the meeting, by telephoning (01926)
456114

Planning Committee

Minutes of the meeting held on Tuesday 11 December 2018 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Committee Services Officer – Mrs Tuckwell; Principal Committee Services Officer – Mrs Dury (observing); Legal Advisor – Mrs Gutteridge; Development Services Manager – Mr Fisher; Business Manager – Development Management – Sandip Sahota; and Principal Planning Officer – Helena Obremski.

118. Apologies and Substitutes

(a) There were no apologies.

(b) Councillor H Grainger substituted for Councillor Mrs Bunker.

119. Declarations of Interest

Minute 122 – W/18/1489 – Tesco Supermarket, Emscote Road, Warwick

When addressing the Committee, Councillor D’Arcy declared an interest because she lived near to the application site.

Minute Number 128 – W/18/1846 – Victoria Car Park, Princes Drive, Royal Leamington Spa

Councillor Boad declared an interest because one of the objectors, Mr Bourne, was known to him. However, Councillor Boad had not had any discussions with Mr Bourne and not stated any opinion regarding the application.

Councillor Mrs Stevens declared an interest because one of the members of the public who expressed their objection via email was known to her.

Minute Number 129 – W/18/1646 – Warwick Hospital, Lakin Road, Warwick

Councillor Morris declared an interest because the application site was in his Ward and he had been approached by a member of the public, but had not offered any advice.

Minute Number 131 – W/18/1817 – Riverside House, Milverton Hill, Royal Leamington Spa

All Councillors declared an interest because the applicant was Warwick District Council.

PLANNING COMMITTEE MINUTES (Continued)

120. Site Visits

To assist with decision making, Councillors, Barrott, Boad, Cooke, Day, Heath, Mrs Hill, Mrs Stevens and Weed had visited the following application sites on Saturday 8 December 2018.

W/18/1489 and W/18/1756 - W/18/1759 – Tesco Supermarket, Emscote Road, Warwick; and
W/18/1846 – Victoria Park Car Park, Princes Drive, Royal Leamington Spa.

121. Minutes

The minutes of the meeting held on 6 November 2018 were taken as read and signed by the Chairman as a correct record subject to the following amendments:

In accordance with the amendments in the addendum, the resolution to minute number 109 was amended to reflect the updated wording of conditions 7, 8 and 23:

Condition 7

Any reserved matters application for any residential phase of the development shall be submitted in accordance with the details of the Design Code for the approved development as set out in the document titled "Design and Access Statement incorporating Site Wide Masterplan & Design Code March 2018" unless otherwise agreed in writing through the submission and approval of a revised Site Wide Masterplan. REASON: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.

Condition 8

Any reserved matters application for any residential phase of the development shall be submitted in accordance with the details of the Design Code for the approved development as set out in the document titled "Design and Access Statement incorporating Site Wide Masterplan & Design Code March 2018" unless otherwise agreed in writing through the submission and approval of a revised Design Code. REASON: In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DS7, DS15, BE2 of the Warwick District Local Plan 2011-2029.

Condition 23

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 Strategic Housing Market Assessment at the point of submission. 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.

There was also an additional amendment to Minute 110, resolution (1) to read: *the application did not comply with Local Plan Policies HE1 and HE2.*

PLANNING COMMITTEE MINUTES (Continued)

The amendments were agreed and duly signed by the Chairman as a correct record.

122. W/18/1489 – Tesco Supermarket, Emscote Road, Warwick

The Committee considered an application from McDonald's Restaurants Limited for the erection of a detached two storey restaurant with car parking, landscaping and associated works; and the installation of two no. customer order displays with associated canopies.

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

The officer was of the opinion that the proposals would not cause unacceptable harm to the living conditions of neighbouring dwellings or to the character and appearance of the area. Furthermore, it was considered that this was an appropriate location for a drive-thru restaurant and the proposals would be acceptable in terms of ecological impact, highway and pedestrian safety, flood risk and impact on the town centre. Therefore, the recommendation was that the development should be approved.

An addendum circulated at the meeting advised that two further public responses were received in support of the application and nine responses objecting to the application. In addition, the addendum provided clarification on the access to the restaurant, the Council's Vehicle Parking Standards and an additional condition agreed by the applicant.

The following people addressed the Committee:

- Councillor Bolton, representing Warwick Town Council, objecting ;
- Mr Pamphilon, objecting;
- Mr Tracey, objecting;
- Mr Hemslock, representing the applicant, supporting;
- Councillor D'Arcy, Ward Councillor, objecting; and
- Councillor Edgington, Ward Councillor, objecting.

During the debate, Councillors acknowledged the objections received from the residents and sought clarification from officers on a number of matters. In particular, it was explained by the officers that the application met the required parking standards and that no objections had been received from either Warwickshire County Council or Environmental Protection, subject to the conditions in the report and addendum.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Stevens that the application should be granted in accordance with the recommendation in the report and the disabled parking provision condition stated in the addendum. The proposal included an additional condition to restrict opening hours from 7am to 11pm in order to protect the amenity of the local residents, but both Councillors Boad and Mrs Stevens accepted an amendment to this from Councillor Grainger, to increase the hours from 6am to 11pm.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/18/1489 be **granted** in accordance with the recommendations in the report and addendum and subject to the signing of a satisfactory Section 106 agreement within three months of the date of the meeting, subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 7159-SA-8469-P005 A, 7159-SA-8469-P006 A, COD DT Canopy, McD / 043 / 2013 A, MCD / SCH / 1001, and documents "Terrace Equipment", "Fast Electric Charging Points", "Pod Point Datasheets", "Pod Point Installation Guide" and "GPK Kiosks and Enclosures", submitted on 3rd August 2018, drawings Condenser Plans and Elevations, 10551 R5, A1-11667-01 submitted on 7th September 2018, and drawings 7159-SA-8469-P002 E, 7159-SA-8469-P007 E, 7159-SA-8469-P004 G submitted on 21st November 2018 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

(3) the development hereby permitted shall not commence unless and until a detailed surface water drainage scheme for the site, based on the approved FRA *McDonald's Warwick (NB8469)_Glanville_Issue 2_August 2018* sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and brought into use. **Reason:** To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with policies FW1, NE2 and BE3 of Warwick

PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 2011 – 2029;

- (4) the development hereby permitted (including any works of demolition) shall not commence unless and until a Construction Method Statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway; a construction phasing plan; and a HGV routing plan. **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 and NE5 of the Warwick District Local Plan 2011-2029;
- (5) the development hereby permitted shall not be brought into use unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **Reason:** In the interests of fire safety;
- (6) the development hereby permitted shall not be brought into use unless and until a detailed maintenance plan giving details on how surface water systems shall be maintained and managed for the life time of the development has been submitted to and approved in writing by the LPA. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. The plan shall be implemented and adhered to thereafter. **Reason:** To ensure the future maintenance of the sustainable drainage structures in the interest of policy FW2 of Warwick District Local Plan 2011 – 2029;
- (7) the development hereby permitted shall not be

PLANNING COMMITTEE MINUTES (Continued)

brought into use unless and until a scheme for the upgrade and improvement of the existing pedestrian crossing on the service road has been submitted to and agreed in writing by the LPA (in association with the Highways Authority) and installed in accordance with the approved details. **Reason:** In the interests of pedestrian and highway safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029;

- (8) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only 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;
- (9) equipment shall be installed to suppress and disperse smoke, fumes and/or odour produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use. Any mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
- (10) the development hereby permitted shall not be brought into use unless and until the approved low emission strategy, Ref 400/4766, dated 15th October 2018, Planware, has been fully implemented. Thereafter it shall be maintained as such. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
- (11) noise arising from the any plant or equipment

PLANNING COMMITTEE MINUTES (Continued)

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

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (12) in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation strategy must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;
- (13) the development hereby permitted shall not be brought into use unless and until improvements to the existing central splitter island have been carried out in general accordance with drawing number 3117-SK-15, submitted on 26th November 2018 and to the specification of the Local Highway Authority. **Reason:** In the interests of traffic safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029;
- (14) the development site shall only be serviced in accordance with the Delivery and Servicing Management Plan, November 2018, prepared by ADL Traffic & Highways Engineering Ltd. **Reason:** In the interests of traffic and pedestrian safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (15) the development hereby permitted shall not be brought into use unless and until improvements to the existing mini-roundabout have been carried out in accordance with drawing number 3117-SK-22A. **Reason:** In the interests of traffic safety in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029;
- (16) the parking layout for Tesco is amended to provide 5% disabled parking, prior to occupation of the restaurant; and
- (17) opening hours are restricted from 6am to 11pm. **Reason:** To protect the amenity of local residents.

123. W/18/1756 – Land at Tesco Supermarket, Emscote Road, Warwick

The Committee considered an application from McDonald's Restaurants Limited for the display of various freestanding signs including two no. internally illuminated rotating menu boards, five no. internally illuminated menu boards, one no. non-illuminated directional sign, one no/ non-illuminated banner unit and three no. internally illuminated directional signs..

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

The officer was of the opinion that the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals were therefore considered to comply with the policies listed and the recommendation was that the proposals should be approved.

An addendum circulated at the meeting advised that revised drawings were received on 21 November 2018 removing the right hand turn arrow from the access road. The addendum also provided an amendment to Condition 6 in the report, to be updated to reflect those drawings.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Grainger and seconded by Councillor Boad that the application for advertisement consent should be granted in accordance with the recommendation in the report, the amendment of Condition 6 as set out in the addendum, and an additional condition to restrict illumination of the signage to the opening hours of the restaurant in order to protect the amenity of local residents.

The Committee therefore

Resolved that W/18/1756 advertising consent be **granted** in accordance with the recommendations in the report and addendum, subject to the five standard advertisement consent conditions and the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- (6) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 7159-SA-8469-P008H, 7159-SA-8469-P002D, Directional sign type 2 (see you soon), Directional sign type 2 (welcome), Hero poster board type 13, any lane sign type 19, pre sell boards type 7, 2 bay type 11, McD/038/2016, directional sign type 2 (parking), and specification contained therein, submitted on 13th September 2018 and 26th 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
- (7) illumination of the signage is restricted to the opening hours of the restaurant. **Reason:** To protect the amenity of local residents.

124. W/18/1757 – Land at Tesco Supermarket, Emscote Road, Warwick

The Committee considered an application from McDonald's Restaurants Limited for the display of three no. internally illuminated panel signs, three no. internally illuminated fascia letter signs and one no. internally illuminated logo sign.

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

The officer was of the opinion that the proposal would not detract from the amenity of the area and would not be detrimental to public safety. The proposal was therefore considered to comply with the policies listed and it was recommended that it should be approved.

Following consideration of the report and presentation, it was proposed by Councillor Grainger and seconded by Councillor Boad that the advertisement consent application should be granted in accordance with the recommendation in the report, and an additional condition to restrict the illumination of the signage to the opening hours of the restaurant in order to protect the amenity of local residents.

The Committee therefore

Resolved that W/18/1757 advertising consent be **granted** in accordance with the recommendations in the report, subject to the five standard advertisement consent conditions and the following condition:

- (6) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

PLANNING COMMITTEE MINUTES (Continued)

approved drawings 7159-SA-8469-P002 C, 7159-SA-8469-P009 A, Arch Panel Sign Type 23A, Arch Panel Sign Type 23C, McDonalds / 002 / 2008 Sign 6 and McDonalds / 002 / 2008 Sign 5 and specification contained therein, submitted on 13th 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

- (7) illumination of the signage is restricted to the opening hours of the restaurant. **Reason:** To protect the amenity of local residents.

125. W/18/1758 – Tesco Supermarket, Emscote Road, Warwick

The Committee considered an application from McDonald's Restaurants Limited for the display of 17 no. non-illuminated dot signs.

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

The officer was of the opinion that the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals were therefore considered to comply with the policies listed and it was recommended that they should be approved.

Following consideration of the report and presentation, it was proposed by Councillor Heath and seconded by Councillor Mrs Stevens that the advertising consent application should be granted in accordance to the recommendation in the report.

The Committee therefore

Resolved that W/18/1758 advertising consent be **granted** in accordance with the recommendations in the report, subject to the five standard advertisement consent conditions and the following condition:

- (6) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings Caution Traffic Approaching Signs, 10MPH Disc, and Dot Signage: Accessible Parking Bay, Give Way, No Entry, No Right Turn, Parked Order Bay 1, Parked Order Bay 2, Pedestrian Crossing submitted on 13th September 2018 and drawing 7159-SA-8469-P019 B submitted on 21st November 2018, and specification contained therein, **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the

PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 2011-2029.

126. **W/18/1759 – Land at Tesco Supermarket car park, Emscote Road, Warwick**

The Committee considered an application from McDonald's Restaurants Limited for the display of one no. freestanding internally illuminated 6.5m totem sign, one no. freestanding internally illuminated directional sign and a new appendage to an existing totem sign.

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

The officer was of the opinion that the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals were therefore considered to comply with the policies listed.

An addendum circulated at the meeting advised that revised drawings were received on 21 November 2018 changing the left hand arrow directional sign to an ahead arrow. The addendum also provided an amendment to Condition 6 in the report, to be updated to reflect those drawings.

Following consideration of the report, presentation and information contained in the addendum, it was proposed by Councillor Day and seconded by Councillor Heath that the application should be granted in accordance with the recommendation in the report, with an amendment to Condition 6 as set out in the addendum and an additional condition for the two freestanding internally illuminated signs to only be switched on during the opening hours of the restaurant in order to protect the amenity of local residents and for public safety.

The Committee therefore

Resolved that W/18/1759 advertising consent be **granted** in accordance with the recommendations in the report, subject to the five standard advertisement consent conditions and the following conditions:

- (6) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 7159-SA-8469-AL02B, 7159-SA-8469-P022H, SIGN TYPE 1A, SIGN TYPE 2, and specification contained therein, submitted on 13th September 2018 and 26th 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
- (7) the two freestanding internally illuminated signs to only be switched on during the opening hours of the restaurant. **Reason:** to

PLANNING COMMITTEE MINUTES (Continued)

protect the local amenity of local residents and for public safety.

127. W/18/1630 – The Cedars, Stoneleigh Road, Bubbenhall

The Committee considered an application from Mr and Mrs Jones for the erection of one no. dwelling house.

Councillor Wright had requested that the application was presented to the Planning Committee.

The officer was of the opinion that the site lay within the Green Belt and outside the development boundaries of Bubbenhall village. Due to the nature of the proposal it was considered to constitute inappropriate development in the Green Belt and no very special circumstances were considered to exist which would justify the development in this location within the Green Belt. The proposed development would detrimentally alter the character and pattern of existing development in the area which was very rural in character with sporadic development which was separated from each other by agricultural land or paddock land due to its location beyond the village boundary. In addition, due to the size of the site, even if the proposal was within the built development limits of the village it would not constitute the filling in of a small gap in an otherwise built up frontage as defined in the Warwick District Local Plan (2011 – 2029). Notwithstanding the Green Belt, the proposal was also contrary to Policy H1.

The design of the dwelling was very contemporary in style and its mix of materials and incorporated eco-friendly features which were to be encouraged. However, due to the opening up of the access and the need to regrade the bank in order to achieve the required visibility splays to satisfy the Highway Authority, the development would have a detrimental impact on the visual appearance and rural character of the area and the setting of the Conservation Area. The development would not accord with Policies BE1 of the Warwick District Local Plan (2011-2029) or the NPPF.

Mrs Roche addressed the Committee, speaking in support of the application.

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 for the reasons set out in the report.

The Committee therefore

Resolved that W/18/1630 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) Policy H1 of the Warwick District Local Plan (2011 – 2029) seeks to ensure that the direction of growth for new housing is within the urban areas and within the boundaries of

PLANNING COMMITTEE MINUTES (Continued)

Growth Villages and Limited Infill Villages. In the open countryside new housing will only be granted where the site is adjacent to the boundary of the urban area or growth village and there is an identified housing need to which the proposed development can contribute. The proposal must be for a small scale development that will not have a negative impact on the character of the settlement and the capacity of infrastructure and services within the settlement and is within a reasonable safe walking distance of services (such as school and shop) or is within a reasonable safe walking distance of a public transport interchange providing access by public transport to services.

The proposed development is in the open countryside. The development would not be within a reasonable safe walking distance to services and facilities as this would involve walking along an unlit road with no pedestrian footpath. In addition, no evidence of housing need has been put forward to justify the development and the dwelling is not required for a rural worker. The principle of development is therefore contrary to policies H1, H15 and BE1 (k) of the Warwick District Local Plan (2011 – 2029), Policy BUB1 and BUB2 of the Bubbenhall Neighbourhood Development Plan and the NPPF;

- (2) the application site lies within the Green Belt and outside the development boundaries of Bubbenhall village. As the proposed development is for a single dwelling on a large paddock in the countryside it is considered to be inappropriate development in the Green Belt and does not meet any of the exceptions listed in paragraph 145 of the NPPF.

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is considered that no very special circumstances have been demonstrated to justify this inappropriate development and so the proposal would be contrary to Policy DS18 of the Warwick District Local Plan (2011 - 2019) and section 13 of the NPPF.

The proposal is considered to be harmful by definition and by reason of harm to openness; and

PLANNING COMMITTEE MINUTES (Continued)

- (3) the proposed development would involve widening the existing access, removing mature hedgerow and trees on part of the site frontage and regrading the bank in order to achieve the required vehicular visibility splays. These alterations would detrimentally harm the visual appearance of this part of the lane and the setting of the conservation area which is characterised by a steep bank with mature trees, shrubs and hedgerows which gives the lane its rural character, distinct from the built up area of the village. The proposed development would therefore be contrary to Policies BE1 and HE1 of the Warwick District Local Plan (2011 - 2029).

At 7.40pm, the meeting was adjourned for 15 minutes for a comfort break.

128. W/18/1846 – Victoria Park Car Park, Princes Drive, Royal Leamington Spa

The Committee considered an application from Warwick District Council for proposed improvements and extension to Victoria Park car park and change of use of Victoria Park Lodge garden to provide improved and extended car parking as part of the Leamington Spa car park displacement programme, including new lighting, CCTV, pay machine and additional parking spaces.

The application was presented to Committee because Warwick District Council was the applicant, Royal Leamington Spa Town Council had objected and more than five letters of objection had been received.

The officer was of the opinion that the proposed car park improvements were considered to be acceptable in principle and would not have a harmful impact on the street scene, Conservation Area, or Registered Park and Garden to any extent that would warrant the refusal of the application. The proposal would provide increased security to an existing car park and provide additional parking for a range of potential users.

An addendum circulated at the meeting advised that an objection had been received from Friends of Victoria Park, plus 40 further public responses objecting to the application and objections from Councillors Naimo, Clarke, Chilvers and the Conservation Area Forum (CAF). In addition, the addendum advised that following advice from Legal Services, it was identified that the proposed lighting within the car park and along the path through Victoria Park did not require parking permission.

During the debate, several Councillors raised concerns about the loss of green space and mature trees and Councillor Morris felt that nothing was being done to mitigate the loss of open space.

The following people addressed the Committee:

- Councillor Alty, Leamington Town Councillor, objecting;

PLANNING COMMITTEE MINUTES (Continued)

- Dr Hodgetts, Conservation Area Forum (CAF) representative, objecting;
- Mr Adams, objecting;
- Mr Bourne, objecting;
- Mr Savage, on behalf of the applicant;
- Councillor Gifford, District Councillor, objecting; and
- Councillor Mrs Knight, Ward Councillor, objecting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Barrott that the application should be refused contrary to the recommendation in the report, due to the application being in direct contravention with Local Plan Policies HS2 protecting open spaces, HE1 protecting statutory assets and HE2 protecting the Conservation Area.

The Committee therefore

Resolved that W/18/1846 be **refused** contrary to the recommendations in the report. **Reasons:** the application is in contravention of Local Plan Policies HS2, HE1 and HE2.

129. W/18/1646 – Warwick Hospital, Lakin Road, Warwick

The Committee considered an application from South Warwickshire NHS Foundation Trust for a proposed three storey extension to the existing hospital building to provide a new operating theatre with fallow areas for future hospital / clinical uses, and a stair tower with lift and associated external works.

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

The officer was of the opinion that the proposed development was considered to have an acceptable impact on the street scene and neighbouring residential amenity. The development would not have a detrimental impact on highway safety, parking, ecology or trees sufficient to warrant the refusal of the application. The development was therefore considered to be acceptable. During the presentation, the officer advised that there should be an additional condition regarding a ground gas risk assessment to be undertaken prior to commencement of works.

In answer to a question from Councillor Day, the Legal Officer clarified that there was not a required number of parking spaces that hospitals were required to provide and this should be considered on a case by case basis.

Following consideration of the report and presentation, it was proposed by Councillor Barrott and seconded by Councillor Mrs Stevens that the application should be granted, subject to the conditions in the report, an additional condition regarding a ground risk assessment to be undertaken prior to commencement of works and another to requiring the applicant to submit a scheme to demonstrate how the staff car parking spaces lost as a

PLANNING COMMITTEE MINUTES (Continued)

result of the proposal would be accommodated on other offsite car parks, without loss to visitor and patient car parking spaces.

The Committee therefore

Resolved that W/18/1646 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings Site-Layout -05 Rev A, Grd Floor-Plan - 06, 1st Floor-Plan - 07 and Roof-plan-09 submitted on 28th August 2018 and drawing Elevations-08 Rev A submitted on 25th September 2018, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, noise and vibration, demolition or clearance works, details of wheel washing, site working hours and delivery times, restrictions on burning and details of all temporary contractors buildings, plant and storage of materials associated with the development process. All works of demolition or construction shall be carried out in strict accordance with the approved construction management plan. **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

PLANNING COMMITTEE MINUTES (Continued)

with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;

- (4) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected species are not harmed by the development in accordance with policy NE2 of the Warwick District Local Plan 2011 – 2029;
- (5) 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;
- (6) prior to the occupation of the development hereby permitted, the first and second floor windows in the west elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (7) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the Arboricultural Impact Assessment from RPS reference JMK 10143 dated July 2018 submitted to the Local Authority on 3rd September 2018 have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;
- (8) in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation strategy must be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;
- (9) noise arising from any plant or equipment,

PLANNING COMMITTEE MINUTES (Continued)

when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

(10) the development hereby permitted (including any demolition or site clearance) shall not take place unless and until:

- a) a ground gas risk assessment has been undertaken to supplement the submitted site investigation report (ASL, Report No. 333-18-053-09, dated November 2018) has been submitted to and approved in writing by the local planning authority;
- b) a method statement detailing the remediation requirements using the information obtained from the submitted site investigation report (ASL, Report No. 333-18-053-09, dated November 2018) and the additional ground gas risk assessment required by criteria (a), has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This must be approved in writing by the local planning authority prior to the remediation being carried out on the site;
- c) all development of the site shall accord with the approved method statement; and
- d) upon completion of the remediation detailed in the method statement approved under criteria (b) a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in

PLANNING COMMITTEE MINUTES (Continued)

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; and

- (11) the applicant to submit a scheme to demonstrate how the staff car parking spaces lost as a result of the proposal would be accommodated on other offsite car parks, without loss to visitor and patient car parking spaces.

130. W/18/1735 – 6 Gaskell Way, Barford

The Committee considered an application from Mr Yazdianpour for the erection of a two storey and single storey rear extension.

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

The officer was of the opinion that the proposed extensions were considered to be suitable in design and scale for the main property overall, and not overly impact upon the street scene. Furthermore, they were not considered to cause material harm to the surrounding neighbours.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Stevens and seconded by Councillor Ashford that the application should be granted subject to the conditions set out in the report.

The Committee therefore

Resolved that W/18/1735 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 400_01 - Rev C, 400_02 - Rev C, 400_03 - Rev C, and specification contained therein, submitted on 29th October, 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in

PLANNING COMMITTEE MINUTES (Continued)

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.

131. W/18/1817 – Riverside House, Milverton Hill, Royal Leamington Spa

The Committee considered a full planning application from PSP Warwick LLP for the temporary change of use of the existing surface car park at weekends, from a private car park to a public car park at Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire.

The application was presented to Committee because the proposal related to Warwick District Council owned land.

The officer was of the opinion that the proposal would facilitate the provision of an additional 246 car parking spaces for public use at weekends without resulting in any significant harm to the visual amenity and the character of surrounding area, the impact on the character and setting of Heritage Assets including the adjacent Royal Leamington Spa Conservation Area and nearby Listed Buildings, the impact on adjacent properties, the impact on highway safety and the impact on ecology/trees and hedgerows.

Subject to the completion of a Section 106 Agreement and the imposition of conditions regarding to the temporary use and to secure pedestrian improvements, no objection was raised to the proposal and it was therefore recommended by Officers that planning permission should be granted.

An addendum circulated at the meeting advised of an additional letter of objection being received. The addendum also provided details on an additional condition, proposing to limit the hours of use from 7am to 7pm.

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

The Committee therefore

Resolved that W/18/1817 be **granted** in accordance with the recommendations in the report, subject to the condition listed in the report and addendum and a Section 106 Agreement to secure the necessary financial contributions/obligations towards the improvement of pedestrian crossings and provision of directional signage as identified in the report.

PLANNING COMMITTEE MINUTES (Continued)

Should a satisfactory Section 106 Agreement not have been completed by 31 January 2019, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

Conditions:

- (1) the temporary change of use of the existing surface car park for public parking shall operate only at weekends and bank holidays for a period of 24 Months from 1st March 2019. Thereafter, the use of the car park for public parking shall cease and the land shall revert to ancillary parking to the existing office use only.
Reason: To define the terms of the planning permission and to ensure that the parking provision does not prejudice the implementation of the approved planning permission granted under W/17/1701; and
- (2) hours of use are limited to 7am to 7pm.

132. Planning Appeals Report

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

Resolved that the report be noted.

(The meeting ended at 9.49pm)

CHAIR
29 January 2019

Planning Committee

Minutes of the meeting held on Wednesday 12 December 2018 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Committee Services Officer – Mrs Tuckwell; Civic & Committee Services Manager – Mrs Barnes (observing), Legal Advisor – Mrs Sharma; Head of Development Services – Mr Barber; Senior Planning Officer – Mr Young; Mr Jenkins – Environmental Health Officer; and Ms Archer – Principal Highway Control Engineer, Warwickshire County Council

133. Apologies and Substitutes

(a) Apologies were received from Councillors Mrs Bunker and Cooke.

134. Declarations of Interest

Minute Number 140 – W/18/1760 – 19 Pickard Street, Warwick

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

Minute Number 141 – W/18/1021 – 52 High Street, Kenilworth

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

135. Site Visits

To assist with decision making, Councillors Barrott, Boad, Day, Heath, Mrs Hill, Mrs Stevens and Weed had visited the following application site on Saturday 8 December 2018:

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

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

The Committee considered an outline application, including details of access, from Coventry & Warwickshire Development Partnership LLP for the comprehensive redevelopment of land South of Coventry Airport, comprising demolition of existing structures and the erection of new buildings to accommodate general industrial uses (Use Class B2) and storage and distribution (Use Class B8), ground modelling works including the construction of landscaped bunds, construction of new roads, footpaths and cycle routes, associated parking, servicing, infrastructure and landscaping and the creation of open space in a Community Park. Provision of replacement sports ground including the creation of new sports pitches,

PLANNING COMMITTEE MINUTES (Continued)

erection of training lights, a club house (including bar, changing facilities, showers and communal area) and ancillary buildings.

The application was presented to Committee because of the number of objections received including objections from Baginton, Bubbenhall, Stoneleigh and Ashow Parish Councils. Additionally, the recommendation was to grant planning permission, subject to the completion of a legal agreement.

The officer was of the opinion that the proposals were in accordance with the allocation of the site as a sub-regional employment site in the Local Plan (Policy DS16). This Local Plan allocation was made to meet a sub-regional need for a major employment site. This was a key element of the Development Strategy of the Local Plan. The proposals also accorded with the various plans and strategies of the Coventry and Warwickshire Local Enterprise Partnership, including the Strategic Economic Plan. In this context, it was considered that the proposals would generate significant economic benefits. The report highlighted that this should be afforded significant weight in the planning balance.

The proposals accorded with Green Belt policy; very special circumstances existed to outweigh any limited Green Belt harm arising from the construction of the bunds. A condition was recommended to secure suitable provisions for the relocation of Trinity Guild Rugby Football Club and clauses in the Section 106 agreement would secure suitable mitigation of ecological impacts. The proposals were considered to be acceptable in terms of car parking and highway safety, landscape impact and flood risk / drainage. The proposals would not cause unacceptable harm to the living conditions of nearby dwellings and had been judged to be acceptable in terms of noise, light pollution and air quality impacts. Conditions could adequately control issues relating to contamination and there would be no harm to heritage assets. Finally, the proposals would have an acceptable relationship with Coventry Airport.

Overall, it was considered that the proposals accorded with the policies of the Development Plan (including the Local Plan and the Neighbourhood Plan) and the NPPF. Therefore, it was recommended that planning permission be granted.

An addendum circulated at the meeting advised that Trinity Guild Rugby Football Club and Highways England had withdrawn their objections, subject to additional conditions being secured. The addendum also advised of a number of amendments to the existing conditions, additional conditions and a further obligation being proposed under the Section 106 agreement. In addition, 27 further objections had been received, as well as concerns raised by the Woodland Trust.

The following people addressed the Committee:

- Councillor J Lucas, representing Bubbenhall Parish Council, objecting;
- Councillor W Bush, Baginton Parish Council, objecting;
- Professor J Shattock, objecting;
- Mr Holmes, supporting; and
- Councillor Mrs Redford, Ward Councillor, objecting.

PLANNING COMMITTEE MINUTES (Continued)

Members received clarification on a number of technical matters including the materials that the bunds would be constructed from, the issue of contaminated land and the retention of a number of trees.

In addition, details relating to the inclusion of specific items in the S106 agreement were discussed and covered sustainable transport measures and the future maintenance of the Country Park.

During the robust debate, the Committee raised questions about the contaminated land, protection of mature trees, access issues, economic viability etc.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Boad that the application should be granted, subject to the conditions in the report and addendum, with an amendment to Condition 9 to increase the time frame that any removed, dying, seriously damaged, defective or diseased landscaping had to be replaced in and the completion of a satisfactory Section 106 Agreement, and subject to the referral to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009.

The Committee therefore

Resolved that W/18/0522 be **granted** in accordance with the recommendations in the report, subject to the completion of a satisfactory Section 106 agreement and subject to referral to the Secretary of State under the Town and Country Planning (Consultation)(England) Direction 2009 and to the following conditions:

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

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

- (2) application for approval of the matters referred to in Condition 1 above must be made within five years of the date of this permission.

PLANNING COMMITTEE MINUTES (Continued)

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

- (3) the development to which this permission relates shall begin within five years of the date of 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 & Country Planning Act 1990 (as amended);

- (4) prior to the commencement of development, details regarding the phasing of the development shall be submitted to and approved in writing by the local planning authority and such details shall include:

- a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of works within the proposed Community Park and arrangements in respect of the phasing of all transportation infrastructure;
- temporary access arrangements for vehicles and pedestrians in respect of each phase;
- interim car parking arrangements in respect of each phase;
- any interim surface, boundary treatment, external lighting or landscaping measures;
- a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air quality assessments and details of further mitigation measures, if necessary); and
- a temporary drainage strategy in respect of each phase.

Once approved the development of each phase shall be carried out in full accordance with such approved details or any subsequent amendments so approved.

Reason: to ensure that in the event of the development being carried out on a phased

PLANNING COMMITTEE MINUTES (Continued)

basis, satisfactory access and interim environmental treatment is incorporated within each phase, in the interests of public safety and visual amenity in accordance with Policies BE1, TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (5) in respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floorspace shall be within the minimum and maximum limits set down in approved Parameters Plan drawing no. 3924-3/023 Rev P12.

Reason: to define the permission in the interests of urban design and highway safety and capacity in accordance with Policies BE1 & TR2 of the Warwick District Local Plan 2011-2029;

- (6) any Reserved Matters application shall, where relevant to that phase of development:
- demonstrate that the proposals accord with the approved Parameters Plan drawing no. 3924-3/023 Rev P12 and the principles set down in the Design & Access Statement forming part of the approved application documentation;
 - define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
 - identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
 - identify locations for public art features;
 - show the location of each pond;
 - include landscape design principles for the logistics park aimed at ensuring that soft landscaping within this area is satisfactorily integrated with the Community Park and neighbouring land;
 - contain principles in respect of disabled access throughout the development and to/from buildings; and
 - detail principles on how crime prevention matters will be addressed in respect of the development.

Reason: in the interests of urban design in accordance with Policies BE1 & HS7 of the

PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 2011-2029;

- (7) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels in that phase and the relationship with adjacent land and buildings and such details shall accord with approved Parameters Plan drawing no. 3924-3/023 Rev P12 forming part of the approved application documentation.

Reason: in the interests of urban design, to ensure that the mounds are in keeping with surrounding landscape and to ensure that the proposals do not harm the living conditions of nearby dwellings, in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;

- (8) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the local planning authority.

Reason: in the interests of urban design in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (9) any soft landscaping referred to in Condition 1 in respect of each phase shall be completed in all respects within six months of the substantial completion of development in that phase. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within ten years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

Reason: to ensure a satisfactory standard of

PLANNING COMMITTEE MINUTES (Continued)

appearance of the development in the interests of visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (10) no demolition or construction works shall commence in any phase (including any ground remodelling works), until a Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment in respect of those trees earmarked for retention under Condition 6 above have been submitted to and approved in writing by the local planning authority. Thereafter, all demolition and construction works (including any ground remodelling works) in that phase shall be undertaken in strict accordance with the approved Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment.

Reason: to safeguard those trees to be retained in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

- (11) the existing trees, shrubs and hedges indicated under Condition 6 to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent or dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) or shrub(s) of such size and species as have been approved in writing by the local planning authority. All tree(s), hedge(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces).

Reason: to protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (12) none of the buildings hereby permitted shall be occupied until the construction of the proposed bunds has been completed in strict accordance with the approved plans.

Reason: to ensure that the bunds provide screening for the development at the earliest opportunity, in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (13) prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, shall be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details.

Reason: to ensure the sustainable management of the site's soil resource and to ensure that earthworks will provide the best opportunities for successful establishment and sustenance of landscape infrastructure and ecological services throughout the scheme, in accordance with Policies BE1 & NE4 of the Warwick District Local Plan 2011-2029;

- (14) no development shall commence until:

- (i) a scheme to consider options for the retention of the oak tree marked as T38 on the tree survey has been submitted to and approved in writing by the local planning authority;
- (ii) if the scheme approved under (i) demonstrates to the satisfaction of the local planning authority that it is not feasible or practical to retain the tree, details of compensatory measures shall be submitted to an approved in writing by the local planning authority.

If retention of the tree is approved under (i), the tree shall be retained in accordance with the approved scheme. If removal of the tree is approved under (i), the compensatory measures approved under (ii) shall be implemented in strict accordance with the approved details.

PLANNING COMMITTEE MINUTES (Continued)

Reason: to ensure that all options to retain this tree which is of significant amenity and ecological value to the area are assessed, in accordance with Policies NE2, NE3 & NE4 of the Warwick District Local Plan 2011-2029;

- (15) no development shall commence other than site preparation and earthworks until full details of the site access provisions have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in strict accordance with the approved plans and permanently retained thereafter.

Reason: in the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (16) no construction shall commence in each phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. This shall include a Construction Phasing Plan, HGV routing Plan, details of provision for HGV access and manoeuvring on site and details of employee car parking provision. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition.

Reason: in the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (17) access to and departure from the development site by construction delivery vehicles shall not be permitted between 0730 hours and 0900 hours or between 1630 hours and 1800 hours.

Reason: in the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (18) no development shall commence other than site preparation and earthworks until details (including a Road Safety Audit) of pedestrian/cycle crossing facilities at the Rowley Road signalised roundabout have been submitted to and approved in writing by the local planning authority. Thereafter these crossing facilities shall be implemented in

PLANNING COMMITTEE MINUTES (Continued)

accordance with the approved plans and permanently retained thereafter.

Reason: in the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (19) no more than 46,450 square metres (GFA) of floorspace shall be brought into use and occupied until the Phase 2 site access highway works for the Whitley South development approved under planning permission no. W16/0239 (as illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P33) have been constructed in general accordance with the detailed highways drawings in respect of such Phase 2 works forming part of the approved application documentation for W16/0239 and is opened to traffic.

Reason: in the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (20) no highway works approved as part of the development shall be undertaken unless and until:
- i) a Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
 - ii) the details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time;

in respect of those highway works, have been submitted to and approved in writing by the local planning authority.

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

- (21) street lighting shall be provided in respect of each phase of the development hereby permitted which involves the construction of highways, footpaths or cycleways in full accordance with details previously submitted to and approved in writing by the local planning authority.

PLANNING COMMITTEE MINUTES (Continued)

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

- (22) no works shall commence on the construction of the Link Road between Rowley Road and the logistics park unless and until further details of the design of the road, footway(s) and cycleway(s) have been submitted to and approved in writing by the local planning authority. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfalls. The development shall be carried out in strict accordance with the approved details.

No other highway works approved as part of the development shall be undertaken unless and until further details of the design of the internal site road, footways, cycleways and car parks have been submitted to and approved in writing by the local planning authority. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfalls. The development shall be carried out in strict accordance with the approved details.

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

- (23) no development shall be occupied unless and until a Link Road has been constructed between Rowley Road and the site generally in accordance with drawing no. 17-0836/100A. The Link Road shall be 7.3m wide unless otherwise required at bends and shall provide for 120m forward visibility in accordance with TD9/93 - "Highway Link Design". It shall include either twin 3m Cycleways or a single 4m Cycleway on the eastern side, to be agreed with the Highway Authority. Signage shall be provided at connections with Bubbenhall Road and Coventry Road stating that roads to the south are "Unsuitable for HGV's". Bus Stops shall be provided on the Link Road in each direction of travel to allow suitable access to the site, Coventry Road and Whitley South (details and location to be agreed with the

PLANNING COMMITTEE MINUTES (Continued)

Highway Authority). The Link Road shall be constructed in accordance with details that shall have been submitted to and approved in writing by the local planning authority.

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

- (24) no gates or barriers shall be erected at the accesses to the site or airport land unless otherwise approved in writing by the local planning authority.

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

- (25) no building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the local planning authority:

- i) Motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;
- ii) All the car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus 6 further spaces;
- i) Covered cycle and motorcycle parking; and
- ii) Servicing arrangements in respect of that building.

Thereafter such transportation infrastructure shall remain in place and available for such use at all times.

Reason: in the interests of highway, pedestrian and cyclist safety and to promote sustainable transport choices in accordance Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029;

- (26) the number of car parking spaces to be

PLANNING COMMITTEE MINUTES (Continued)

provided within the application site in respect of the development hereby permitted shall not exceed 3,500, of which a maximum of 500 shall be allocated for visitors and no more than 3,000 for the employees of the development.

Reason: in the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029;

- (27) prior to any part of the development being brought into use and occupied a detailed Car Parking Management Strategy for the control, management and enforcement of on-site (development plot) parking and of off-site (access and distributor road) parking shall be submitted to and approved in writing by the local planning authority. Thereafter car parking associated with the development shall be managed in full accordance with this approved Strategy.

Reason: in the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029;

- (28) the reserved matters to be submitted in accordance with Condition 1 in respect of any single unit exceeding 1000 square metres (GFA) shall be accompanied by details of showering and changing facilities for employees working in or visiting that unit. Thereafter such approved facilities shall be provided in the construction of that unit and at all times following the first occupation of that unit those facilities shall remain in place and be available for use by persons employed in that unit.

Reason: to promote sustainable transport choices in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (29) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in

PLANNING COMMITTEE MINUTES (Continued)

accordance with the approved details before the development is completed. The scheme to be submitted shall:

- undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site;
- provide provision of surface water attenuation storage as stated within the FRA and/ or in accordance with 'Science Report SC030219 Rainfall Management for Developments';
- demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753. Where possible conveyance features should be designed to slow flows and provide surface water treatment where possible;
- where flooding occurs onsite to store the 1 in 100-year climate change event details should be provided of the storage capacity required outside of the proposed formal drainage system. Details of the depths and locations of flooding should also be provided to the LLFA where the depths may be unsafe, Hazard mapping may be required to ensure the development remains safe to users of the site;
- demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the one in one year, one in two year, one in 30 year, one in 100 year and one in 100 year plus climate change return periods;
- provide evidence to show that the relevant consents are in place for connection to the existing surface water network from the relevant asset owners; and
- provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

Reason: to prevent the increased risk of

PLANNING COMMITTEE MINUTES (Continued)

flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

- (30) no development shall commence until details of the future management and maintenance of the surface water drainage systems have been submitted to and approved in writing by the local planning authority. This shall include details of the name of the party responsible, including contact details. The approved management and maintenance plan shall thereafter be implemented in strict accordance with the approved details.

Reason: to prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

- (31) the development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) Coventry and Warwickshire Development Partnership Gateway South_BWB Consulting_WHI-BWB-EWE-XX-RP-YE-0002_FRA_Rev P5_May 2018 and in particular the following mitigation measures detailed within the FRA:

- limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to a total of 407l/s for the site using multiple outfalls;
- your ref: W/18/0522 Our ref: WCC001081 R1/FRM/SW/002 Your letter received: 22/05/2018;
- finished floor levels are set no lower than 150mm above surrounding ground levels;
- surface water is to be provided via a minimum of two trains of treatment, where necessary, using the proposed above ground drainage features within the drainage design; and
- the mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing

PLANNING COMMITTEE MINUTES (Continued)

and phasing arrangements embodied within the scheme.

Reason: to ensure runoff from the site is not increased, satisfactory storage is provided and water quality benefits are included in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

- (32) no development shall commence until a strategy to manage and maintain any construction materials from entering or silting up the local drainage network has been submitted to and approved in writing by the Local Planning Authority. This shall include details of measures to ensure that no silt or chemicals can leave the phase being constructed as well as measures to ensure that any damage to the local land drainage network is repaired. The approved strategy shall be implemented in strict accordance with the approved details.

Reason: to prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

- (33) the reserved matters submitted under Condition 1 above in respect of any phase of the development shall include details for the disposal of foul sewage associated with any development in that phase. Thereafter infrastructure for the disposal of foul sewage in respect of that phase of the development shall be provided in accordance with the approved details before the development in that phase is first brought into use.

Reason: to ensure that the development is provided with a satisfactory means of foul sewage drainage in accordance with FW2 of the Warwick District Local Plan 2011-2029;

- (34) no development shall commence on the site occupied by Trinity Guild RFC unless and until a scheme for the relocation of Trinity Guild RFC has been submitted to and approved in writing by the local planning authority, in consultation with Sport England. The scheme shall include details of playing pitches, the layout of the

PLANNING COMMITTEE MINUTES (Continued)

site, a clubhouse, floodlighting, perimeter fencing and parking facilities together with vehicle and pedestrian access to those facilities which are at least equivalent in terms of quantity and quality to those which the club currently have on their existing site. The scheme shall also include details of timescales for the relocation, including details of any temporary facilities during construction works. The scheme shall be implemented in strict accordance with the approved details and timescales.

Reason: to ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures continuity of use and to accord Local Plan Policy HS2;

- (35) no development shall commence on the replacement playing field occupied by Trinity Guild RFC unless and until the following has been submitted to and approved in writing by the local planning authority, in consultation with Sport England:

- (i) a detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field, to identify constraints which could adversely affect playing field quality; and
- (ii) where the results of the assessment carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints.

The scheme under (ii) shall include a written specification of the proposed soil structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation. Any scheme approved under (ii) shall be implemented in strict accordance with the approved details. The land shall be maintained in strict accordance with the approved scheme at all times thereafter.

Reason: to ensure that the playing field is prepared to an adequate standard and is fit for purpose, in accordance with Local Plan Policy HS2;

- (36) no development shall commence on the replacement playing field unless and until a

PLANNING COMMITTEE MINUTES (Continued)

schedule of maintenance for the replacement playing field for a minimum period of two years from first use has been submitted to and approved in writing by the local planning authority in consultation with Sports England. The schedule of maintenance shall be implemented in strict accordance with the approved details.

Reason: to ensure that the playing field is established as a functional playing field to an adequate standard and is fit for purpose, in accordance with Local Plan Policy HS2;

- (37) no development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently approved in writing by the local planning authority.

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

Reason: to protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (40) none of the buildings hereby permitted shall be first occupied until:
- i) a report detailing noise mitigation measures for the development (including noise calculations) has been submitted to and approved in writing by the District Planning Authority; and
 - ii) the noise mitigation measures approved under (i) have been implemented in strict accordance with the approved details.

The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the report approved under (i) at all times thereafter.

Reason: to protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (41) the Construction Management Plan to be submitted under Condition 17 above shall also include detail in respect of those matters set out in Sections 4, 5 & 6 of the Construction Sequence and Programme report forming part of the approved application documentation and shall include details of measures to control dust and noise from construction activities.

Reason: in the interests of highway safety and to protect the living conditions of nearby properties, in accordance with Policies BE3, TR1, TR2 & NE5 of the Warwick District Local

PLANNING COMMITTEE MINUTES (Continued)

Plan 2011-2029;

- (42) no development shall take place on any phase of development until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

Reason: to ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy TR2 of the Warwick District Local Plan 2011-2029;

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

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

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

Reason: to protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the

PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 2011-2029;

- (44) if, during development, contamination not previously identified is found to be present at the site then no further development shall take place until an addendum to the remediation method statement has been submitted to and approved in writing by the local planning authority. The addendum to the method statement shall detail how this unsuspected contamination will be dealt with. The remediation requirements in the approved addendum to the method statement shall thereafter be implemented.

Reason: to protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (45) no phase of the development shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details.

Reason: to protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

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

- i) a scheme of validation sampling has been submitted to and approved in writing by the local planning authority; and

PLANNING COMMITTEE MINUTES (Continued)

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

Reason: to protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

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

Reason: to protect controlled waters and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (48) piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: to protect controlled waters and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (49) construction work shall not begin on any phase of the development hereby permitted until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development.

Reason: in the interests of fire safety in

PLANNING COMMITTEE MINUTES (Continued)

accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (50) no development shall commence on any phase of the development hereby permitted, other than site preparation and earthworks, until a lighting scheme for that phase of the development, excluding street lighting, has been submitted to and approved in writing by the local planning authority. No lighting shall be installed other than in strict accordance with the approved lighting schemes.

Reason: to protect the amenities of the occupiers of nearby properties in the locality and the rural character of the area, in accordance with Policies BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029;

- (51) no phase of the development hereby permitted shall be commenced unless and until a pre-assessment and design stage assessment by an accredited BREEAM assessor demonstrating how the development of that phase will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. The development of each phase shall not be occupied unless and until a completion stage assessment by an accredited BREEAM assessor demonstrating that the development of that phase achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority;

Reason: to deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029;

- (52) the development hereby approved shall not exceed 343,740 sqm (GFA). No more than 104,000 sq m (GFA) of this shall be for purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987;

PLANNING COMMITTEE MINUTES (Continued)

(53) no development shall take place until a scheme of traffic impact mitigation at the A46/A45/A444 Stivichall interchange, which shall comprise at least the following works, has been submitted to and approved in writing by the local planning authority in consultation with the Highway Authority for the A45/A46 trunk roads. The scheme of mitigation shall be informed following an assessment of traffic impacts at this junction and its associated interaction with the A46/A45(T) and the scope of this assessment shall have been agreed in writing with the local planning authority in consultation with the Highway Authority for the A45/A46 trunk roads.

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

(54) prior to the commencement of development the following details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A45/A46 trunk roads:

- a) full details of the proposed new A45 Grade Separated Junction as generally illustrated on the General Arrangement Drawing 17-0836-SK01-Rev B;
- b) full details of how the site access provisions generally as illustrated on the General Arrangement Drawing 17-0836-SK01-Rev B will align with the completed Highways England A45 Tollbar End improvement scheme; and
- c) full details, of the proposed alterations to the A46 / A45 / A444 Stivichall Interchange, as defined under Condition 2.

The details to be submitted under this condition shall include:

- how the development scheme interfaces with the A45 / A46 trunk roads;
- highway alignment, including full details as indicated within the design check list

PLANNING COMMITTEE MINUTES (Continued)

- contained within HD 19/15 of the Design Manual for Roads and Bridges (DMRB);
- confirmation of full compliance with the current Design Manual for Roads and Bridges (DMRB), Interim Advice Notes (IANs), Traffic Sign Manual (TSM), Manual of Contract Documents for Highway Works (MCHW) and associated British Standards and Eurocodes and Department for Transport Policies, Local Transport Notes (LTNs), Traffic Advisory Leaflets (TALs) and Advice Notes and any necessary relaxations / departures from standards approved by the Highways Authority for the Strategic Road Network;

Note that independent Stage One and Two Road Safety Audits shall be carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) and related Interim Advice Notes (IANs) prior to construction. Design stage Non-Motorised User Audit shall also be carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) standard and related Interim Advice Notes (IANs).

Thereafter, the development shall be undertaken in full accordance with these approved details or any amendments subsequently approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A45 / A46 trunk roads. A Stage Three RSA will be required prior to opening;

- (55) no part of the development hereby permitted shall come into use until a scheme of works at the A46 Stoneleigh junction has been implemented and is open to traffic. The scheme shall provide sufficient improvement in operational capacity to adequately mitigate the traffic impacts of the development hereby permitted;
- (56) prior to the commencement of development detailed design of the amendments to the existing cycleway along the western edge of the A45 London Road shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authorities (Coventry City Council and Highways England), in accordance with drawing number 17-0836-103-Rev A;

PLANNING COMMITTEE MINUTES (Continued)

(57) prior to the commencement of development, a detailed Highway Improvement Works Phasing Plan generally in accordance with the Construction Phasing Plan 3924-3-027 P03 including highways and earthworks shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A45 / A46 trunk roads. Thereafter the phasing of the A45 / A46 trunk road access and alterations shall be undertaken in full accordance with these approved details or any amendments subsequently approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A45 / A46 trunk roads; and

(58) prior to the commencement of development details of the drainage strategy, for the development site and highway works affecting the Strategic Road Network, shall ensure there is no connection (direct or indirect) to the trunk road drainage system and shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority for the A45 / A46 trunk roads and subsequently implemented as approved.

137. **W/18/1942 - Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4414/Whitley Roundabout**

The Committee considered an application for the variation of Condition 13 of planning permission W/16/0239 from Coventry and Warwickshire Development Partnership, to allow for the occupation of the proposed UK Battery Industrialisation Centre facility either ahead of, or in parallel with, Jaguar Land Rover's occupation.

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

The officer was of the opinion that the proposed variation of condition would accord with current planning policies and would not reduce the economic benefits of the proposed development. Therefore, it was recommended that planning permission be granted for the proposed variation.

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

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/18/1942 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

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

Reason:

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

- (2) application for approval of the matters referred to in Condition 1 above must be made within 5 years of the date of this permission.

Reason:

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

- (3) the development to which this permission relates shall begin within 5 years of the date of permission or within 2 years of the final approval of the reserved matters, whichever is the later.

Reason:

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

- (4) prior to the commencement of development, details regarding the phasing of the development shall be submitted to and approved in writing by the local planning authority and such details shall include:
 - i) a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of works within the proposed Countryside Park and arrangements in

PLANNING COMMITTEE MINUTES (Continued)

- respect of the phasing of all transportation infrastructure;
- ii) temporary access arrangements for vehicles and pedestrians in respect of each phase;
- iii) car parking arrangements in respect of each phase;
- iv) any interim surface, boundary treatment, external lighting or landscaping measures;
- v) a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air quality assessments and details of further mitigation measures, if necessary); and
- vi) a temporary drainage strategy in respect of each phase.

Once approved the development of each phase shall be carried out in full accordance with such approved details or any subsequent amendments so approved.

Reason:

To ensure that in the event of the development being carried out on a phased basis, satisfactory access and interim environmental treatment is incorporated within each phase, in the interests of public safety and visual amenity in accordance with Policies BE1, TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (5) in respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floor space shall be within the minimum and maximum limits set down in approved Parameters Plan drawing no. P16-0062-3E.

Reason:

To define the permission in the interests of urban design and highway safety and capacity in accordance with Policies BE1 & TR2 of the Warwick District Local Plan 2011-2029;

- (6) any Reserved Matters application shall, where relevant to that phase of development:
 - Demonstrate that the proposals accord

PLANNING COMMITTEE MINUTES (Continued)

with the approved Parameters Plan drawing no. P16-0062-3E and the principles set down in the Design & Access Statement Addendum forming part of the approved application documentation;

- Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
- Identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
- Identify locations for public art features;
- Show the location of each pond;
- Include design principles in respect of layout, scale, appearance and landscaping aimed at minimising its visual impact on the Lunt Roman Fort;
- Contain details on how permeability will be achieved in respect of the network of estate roads within the technology campus;
- Detail principles on how legibility will be achieved within the technology campus including design principles in respect of the new A45 bridge and land to the immediate south of it comprising the gateway into the development.
- Include landscape design principles for the technology campus aimed at ensuring that soft landscaping within this area is satisfactorily integrated with the Countryside Park and neighbouring land.
- Contain principles in respect of disabled access throughout the development and to/from buildings.
- Detail principles on how crime prevention matters will be addressed in respect of the development.

Any subsequent Reserved Matters applications shall accord with the approved Master Plan and Design Code.

Reason:

In the interests of urban design in accordance with Policies BE1 & HS7 of the Warwick District Local Plan 2011-2029;

- (7) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include details of all earthworks,

PLANNING COMMITTEE MINUTES (Continued)

mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels in that phase and the relationship with adjacent land and buildings and such details shall accord with approved Parameters Plan drawing no. P16-0062-3E forming part of the approved application documentation.

Reason:

In the interests of urban design, to ensure that the mounds are in keeping with surrounding landscape and to ensure that the proposals do not harm the living conditions of nearby dwellings, in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;

- (8) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase, such details to include information on the recycled/reclaimed content of such materials. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the local planning authority.

Reason:

In the interests of urban design in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (9) the gross floor space of any unit the primary use of which falls within Class B1(a) of the Town & Country Planning (Use Classes) Order 1987 as amended erected under this permission shall not exceed 4999 square metres.

Reason:

To ensure that the development does not prejudice the provision of large scale office accommodation in town centres in accordance with EC1 of the Warwick District Local Plan 2011-2029;

- (10) no building approved under this permission used primarily for purposes falling within Class A1 of the Town & Country Planning (Use Classes) Order 1987 as amended (or in any Order revoking and re-enacting that Order)

PLANNING COMMITTEE MINUTES (Continued)

shall exceed 250 square metres gross internal floor area.

Reason:

To safeguard the shopping strategies of the local planning authorities and to accord with Government Guidance in the NPPF which seeks to direct large scale retailing to Town Centre locations;

- (11) no car showroom floor space or floor space falling within Classes A1, A3, A4, A5 or C1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be occupied unless and until at least 8,500 square metres (GFA) of floor space falling within Use Class B1 of the said Order has been occupied within the technology campus.

Reason:

To ensure that the car showroom and other floor space falling within Use Classes A1, A3, A4, A5 and C1 is only provided when it is needed to serve the employment uses which primarily comprise the development approved under this permission in accordance with Policy TC2 of the Warwick District Local Plan 2011-2029;

- (12) no more than 10% of the total B1 floor space shall be occupied for purposes falling within Class B1a of the Town & Country Planning (Use Classes) Order 1987 as amended.

Reason:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety and to ensure that the development is primarily a technology campus in accordance with the identified need;

- (13) with the exception of any floor space to be occupied by UKBIC, the first 8,500 square metres (GFA) of floor space within the development shall be occupied by Jaguar Land Rover. With the exception of any building to be occupied by UKBIC, no other buildings shall be occupied within the development until Jaguar Land Rover have fully occupied 8,500 square metres of B1 floor space within the technology campus.

Reason:

Since the particular requirements of Jaguar Land Rover formed part of the very special circumstances for permitting this inappropriate development within the Green Belt, in accordance with the NPPF;

- (14) any soft landscaping referred to in Condition 1 in respect of each phase shall be completed in all respects within 6 months of the substantial completion of development in that phase. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any replacement hedging, trees or shrubs shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.

Reason:

To ensure a satisfactory standard of appearance of the development in the interests of visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (15) no demolition or construction works shall commence in any phase (including any ground remodelling works), until a Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment in respect of those trees earmarked for retention under Condition 6 above have been submitted to and approved in writing by the local planning authority. Thereafter, all demolition and construction works (including any ground remodelling works) in that phase shall be undertaken in strict accordance with the approved Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment.

Reason:

To safeguard those trees to be retained in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

- (16) the existing trees, shrubs and hedges indicated under Condition 6 to be retained shall not be

PLANNING COMMITTEE MINUTES (Continued)

cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent or dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) or shrub(s) of such size and species as have been approved in writing by the local planning authority. All tree(s), hedge(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces).

Reason:

To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

- (17) the construction of buildings and mounds within the technology campus shall be phased in strict accordance with the construction phasing plan (drawing no. 3924-1/004 P4).

Reason:

To ensure that the mounds provide screening for the development at the earliest opportunity, in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (18) prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, will be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details.

Reason:

To ensure the sustainable management of the site's soil resource and to ensure that

PLANNING COMMITTEE MINUTES (Continued)

earthworks will provide the best opportunities for successful establishment and sustenance of landscape infrastructure and ecological services throughout the scheme, in accordance with Policies BE1 & NE4 of the Warwick District Local Plan 2011-2029;

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

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

Reason:

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

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

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

The mitigation scheme shall be informed by an assessment of the traffic impacts at this junction and its associated interaction with the A46/A45(T) with the scope of this assessment to have been first agreed in writing by the local

PLANNING COMMITTEE MINUTES (Continued)

planning authority. The mitigation scheme approved under this condition shall be implemented in strict accordance with the approved details.

Reason:

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

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

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

The details to be submitted under this condition shall include:

- How the development scheme interfaces with the A45 / A46 trunk roads highway alignment, including full details as indicated within the design check list contained within HD19/15 of the Design Manual for Roads and Bridges (DMRB).
- Confirmation of full compliance with the current Design Manual for Roads and Bridges (DMRB), Interim Advice Notes (IANs), Traffic Sign Manual (TSM), Manual of Contract Documents for Highway Works (MCHW) and associated British Standards and Eurocodes and

PLANNING COMMITTEE MINUTES (Continued)

Department for Transport Policies, Local Transport Notes (LTNs), Traffic Advisory Leaflets (TALs) and Advice Notes and any necessary relaxations / departures from standards approved by the Highways Authority for the Strategic Road Network.

- Independent Stages One and Two Road Safety Audits carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) and related Interim Advice Notes (IANs) prior to construction. A Stage three RSA will be required prior to opening.
- Design stage Non-Motorised User Audit carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) standard and related Interim Advice Notes (IANs).

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

Prior to the commencement of development, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINCR) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition.

Reason:

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

- (22) prior to the commencement of development, other than site preparation and earthworks, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be

PLANNING COMMITTEE MINUTES (Continued)

submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition.

Reason:

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

- (23) prior to the commencement of drainage works, details of the drainage strategy for the development site and highway works affecting the Strategic Road Network shall be submitted to and approved by the local planning authority. The drainage strategy shall ensure there is no connection (direct or indirect) to the trunk road drainage system. The drainage strategy shall thereafter be implemented in strict accordance with the approved details.

Reason:

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

- (24) no development shall commence other than site preparation and earthworks until full details of the site access provisions, in general accordance with drawing nos. THDA SK12 Rev C, THDA 15-0752 101 Rev 1 & THDA 15-0752 102 Rev 1, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in strict accordance with the approved plans and permanently retained thereafter.

Reason:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (25) no development shall commence, other than site preparation and earthworks, until a scheme of mitigation for the A46/Stoneleigh Road/Dalehouse Lane Interchange, in general accordance with drawing no. THDA 15-0752 110, has been submitted to and approved in writing by the local planning authority. Thereafter the mitigation scheme shall be implemented in strict accordance with the approved details and permanently retained thereafter.

Reason:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (26) no construction shall commence in each phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. This shall include a Construction Phasing Plan, HGV routing Plan, details of provision for HGV access and manoeuvring on site and details of employee car parking provision. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition.

Reason:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (27) access to and departure from the development site by construction delivery vehicles shall not be permitted between 0730 hours and 0900 hours or between 1630 hours and 1800 hours.

Reason:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (28) no development shall commence other than site preparation and earthworks until details of the proposed accesses onto Rowley Road have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in accordance with the approved plans and permanently retained thereafter.

PLANNING COMMITTEE MINUTES (Continued)

Reason:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (29) no construction shall commence on site until a detailed Highway Improvement Works Phasing Plan and Construction Sequence Programme/Timetable, linked to the extent of built floor space, and generally in accordance with Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 and PHP Architects Construction Phasing Plan Including Highways and Earthworks 3924-1 004 rev P3 has been submitted to and approved in writing by the local planning authority. Thereafter the phasing of development shall be undertaken in full accordance with these approved details.

Reason:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (30) no more than 46,450 square metres (GFA) of development falling within Use Class B1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be brought into use and occupied until the Phase 2 site access highway works as illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 have been constructed in general accordance with the detailed highways drawings in respect of such phase 2 works forming part of the approved application documentation and is opened to traffic.

Reason:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

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

Reason:

PLANNING COMMITTEE MINUTES (Continued)

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

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

- i) a Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
- ii) the details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time;

in respect of those highway works, have been submitted to and approved in writing by the local planning authority.

Reason:

In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

(33) street lighting shall be provided in respect of each phase of the development hereby permitted which involves the construction of highways, footpaths or cycle ways in full accordance with details previously submitted to and approved in writing by the local planning authority.

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

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

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

(35) no building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the local planning authority:

- i) Motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;
- ii) All the car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus 6 further spaces;
- iii) Covered cycle and motorcycle parking; and
- iv) Servicing arrangements in respect of that building.

Thereafter such transportation infrastructure shall remain in place and available for such use at all times.

Reason:

In the interests of highway, pedestrian and cyclist safety and to promote sustainable transport choices in accordance Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029;

(36) the number of car parking spaces to be provided within the application site in respect of the development hereby permitted shall not exceed 2,500, of which a maximum of 500 shall be allocated for visitors and no more than 2,000 for the employees of the development. Provided the above limits are not exceeded, car parking shall be provided in accordance with the standards for low accessibility zones set out in the Council Vehicle Parking Standards Supplementary Planning Document.

Reason:

In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the

PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 2011-2029;

- (37) prior to any part of the development being brought into use and occupied a detailed Car Parking Management Strategy for the control, management and enforcement of on-site (development plot) parking and of off-site (access and distributor road) parking shall be submitted to and approved in writing by the local planning authority. Thereafter car parking associated with the development shall be managed in full accordance with this approved Strategy.

Reason:

In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029;

- (38) the reserved matters to be submitted in accordance with Condition 1 in respect of any single unit exceeding 1000 square metres (GFA) shall be accompanied by details of showering and changing facilities for employees working in or visiting that unit. Thereafter such approved facilities shall be provided in the construction of that unit and at all times following the first occupation of that unit those facilities shall remain in place and be available for use by persons employed in that unit.

Reason:

To promote sustainable transport choices in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (39) no development other than site preparation and earthworks shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 plus 20% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall

PLANNING COMMITTEE MINUTES (Continued)

also include:

- i) Full drainage calculations for a range of events (Microdrainage windes or similar)
- ii) Construction details for the ponds/swales
- iii) Details of how the scheme will be maintained and managed after completion.

Reason:

To prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

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

Reason:

To ensure the bridges and bridge extensions are constructed to a satisfactory standard and will not increase flood risk elsewhere in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

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

- Finished floor levels to be set no lower than 600mm above the 1 in 100 year +20% flood level and at least 150mm

PLANNING COMMITTEE MINUTES (Continued)

above average surrounding ground level as recommended in Table 5.1.

- Provision of floodplain compensation for the new River Sowe bridge on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 7,199m³.
- Provision of floodplain compensation for the proposed A46 slip road crossing on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 2,263m³.

Reason:

To ensure runoff from the site is not increased, satisfactory storage is provided and water quality benefits are included in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

- (42) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within Flood Zone 3 or the bridge and embankment floodplain compensation areas as delineated on drawing ref: WHI-BWB-EWE-XX-SK-EN-0010, S2, rev P1 (Masterplan showing Flood Zones).

Reason:

To ensure the bridges and bridge extensions will not increase flood risk elsewhere in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

- (43) the reserved matters submitted under Condition 1 above in respect of any phase of the development shall include details for the disposal of foul sewage associated with any development in that phase. Thereafter infrastructure for the disposal of foul sewage in respect of that phase of the development shall be provided in accordance with the approved details before the development in that phase is first brought into use.

Reason:

To ensure that the development is provided with a satisfactory means of foul sewage drainage in accordance with FW2 of the

PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 2011-2029;

- (44) no development shall take place until a scheme for the provision and management of compensatory habitat creation, to compensate for the impact of the proposed development on the River Sowe, has been submitted to and agreed in writing by the local planning authority. This should include an investigation into the feasibility of river bank and floodplain restoration. Thereafter the development shall be implemented in accordance with the approved scheme.

Reason:

To ensure that harm resulting from the development can be adequately mitigated in accordance with Paragraph 118 of the NPPF;

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

Reason:

To safeguard this cultural facility;

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

PLANNING COMMITTEE MINUTES (Continued)

Reason:

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

- (47) no development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently approved in writing by the local planning authority.

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

- (48) no part of the development hereby permitted shall be occupied until:
- i) details of measures to prevent illegal road racing or other anti-social or dangerous use of the roads within the development have been submitted to and approved in writing by the local planning authority; and
 - ii) the measures approved under i) have been implemented in strict accordance with the approved details in relation to that part.

Reason:

To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;

- (49) no part of the development hereby permitted shall be occupied until ANPR cameras have been provided in accordance with a scheme submitted to and approved in writing by the local planning authority. The ANPR equipment shall comply with the ACPO ANPR standards

PLANNING COMMITTEE MINUTES (Continued)

and with the information security requirements of Warwickshire Police. Warwickshire Police shall be provided with access to the live feeds from the ANPR cameras at all times thereafter.

Reason:

To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;

- (50) fume extraction and odour control equipment (including external ducting flues) associated with any catering operation shall be properly installed in its entirety in accordance with details first submitted to and approved in writing by the local planning authority and such installation shall have been inspected by the local planning authority before that catering operation commences. Any external ducting shall be colour coated in accordance with the approved details within one month of its installation and any replacement or modification shall be colour coated to match within one month of its installation. The equipment shall be permanently operated and maintained in accordance with the manufacturer's specifications.

Reason:

In the interests of amenity in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

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

Reason:

To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (52) none of the buildings hereby permitted shall be first occupied until:
- i) a report detailing noise mitigation measures for the development (including noise calculations) has been submitted to and approved in writing by the District Planning Authority; and
 - ii) the noise mitigation measures approved under (i) have been implemented in strict accordance with the approved details.

The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the report approved under (i) at all times thereafter.

Reason:

To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (53) the Construction Management Plan to be submitted under Condition 26 above shall also include detail in respect of those matters set out in Sections 4, 5 & 6 of the Construction Sequence and Programme report forming part of the approved application documentation and shall include details of measures to control dust and noise from construction activities.

Reason:

In the interests of highway safety and to protect the living conditions of nearby properties, in accordance with Policies BE3, TR1, TR2 & NE5 of the Warwick District Local Plan 2011-2029;

- (54) no development shall take place on any phase of development until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

Reason:

To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy TR2 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

Reason:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

(56) if, during development, contamination not previously identified is found to be present at the site then no further development shall take place until an addendum to the remediation method statement has been submitted to and approved in writing by the local planning authority. The addendum to the method statement shall detail how this unsuspected contamination will be dealt with. The remediation requirements in the approved addendum to the method statement shall

PLANNING COMMITTEE MINUTES (Continued)

thereafter be implemented.

Reason:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (57) no phase of the development shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details.

Reason:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (58) no recycled aggregate shall be imported to any part of the application site to be used in the construction of the development hereby permitted until:
- i) a scheme of validation sampling has been submitted to and approved in writing by the local planning authority; and
 - ii) the recycled aggregate has been sampled in accordance with the scheme approved under i) and the results of the sampling have been submitted to and approved in writing by the local planning authority.

Reason:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick

PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 2011-2029;

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

Reason:

To protect controlled waters and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (60) construction work shall not begin on any phase of the development hereby permitted until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development.

Reason:

In the interests of fire safety in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (61) no development shall commence on any phase of the development hereby permitted, other than site preparation and earthworks, until a lighting scheme for that phase of the development, excluding street lighting, has been submitted to and approved in writing by the local planning authority. No lighting shall be installed other than in strict accordance with the approved lighting schemes.

Reason:

To protect the amenities of the occupiers of nearby properties in the locality and the rural character of the area, in accordance with Policies BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029; and

- (62) no work shall commence on any of the buildings permitted under this outline planning

PLANNING COMMITTEE MINUTES (Continued)

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

Reason:

To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy CC3 of the Warwick District Local Plan 2011-2029.

138. **W/18/2099 - Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4414/Whitley Roundabout**

The Committee considered an application from Coventry and Warwickshire Development Partnership for the variation of conditions 21 and 25 of planning permission W/16/0239 (outline application for the comprehensive development comprising demolition of existing structures and the erection of new buildings to accommodate offices, research and development facilities and light industrial uses (B1), hotel accommodation (C1), car showroom accommodation, small scale retail and catering establishments (A1, A3, A4 and/or A5), new countryside park, ground modelling work, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping) to allow changes to the specific wording of both conditions to reflect the nature of recent highway works to the Interchange being undertaken.

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

The officer was of the opinion that since this was an application to vary conditions imposed on an earlier permission, it was not necessary to reconsider the principle of development again. Instead, only the specific impacts resulting from the proposed variations needed to be considered,

PLANNING COMMITTEE MINUTES (Continued)

which, in this instance, related to highway safety and the impacts on the surrounding road infrastructure.

Since the proposed variations to the conditions were as a direct result of circumstances surrounding the Interchange changing since the original outline permission was granted, and Warwickshire County Council were now progressing their own scheme of improvement works, the proposals were considered to be acceptable subject to the completion of an updated legal agreement, agreed by all relevant parties, which sought to secure the payment of monies necessary to enable the delivery of their scheme.

For these reasons, and subject to the revised conditions and completed legal agreement, it was therefore recommended that planning permission should be approved.

An addendum circulated at the meeting advised of an additional consultation response from Baginton Parish Council and an additional condition from Highways England, requiring details of an improvement scheme at the A46 Stoneleigh junction and a programme defining trigger points for its full implementation.

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

The Committee therefore

Resolved that W/18/2099 be **granted** in accordance with the recommendations in the report and with an additional condition in the addendum, subject to a Section 106 Agreement to secure payments up to a total agreed maximum sum to the County Council (£5,022,000) to enable the delivery of their own scheme of works to the A46/Stoneleigh Road/Dalehouse Lane Interchange.

Should a satisfactory Section 106 Agreement not have been completed by 4 February 2019, delegated authority is given to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

Conditions:

- (1) details of the following reserved matters for each phase of the development shall be submitted to and approved in writing by the local planning authority before any part of that phase of the development (other than demolition or ground works) is commenced:-

- i) the layout of the phase and its relationship with existing adjoining

PLANNING COMMITTEE MINUTES (Continued)

- development;
- ii) the scale of the buildings;
- iii) the appearance of the buildings; and
- iv) the landscaping of the site.

Reason:

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

- (2) application for approval of the matters referred to in Condition 1 above must be made within 5 years of the date of this permission.

Reason:

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

- (3) the development to which this permission relates shall begin within 5 years of the date of permission or within 2 years of the final approval of the reserved matters, whichever is the later.

Reason:

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

- (4) prior to the commencement of development, details regarding the phasing of the development shall be submitted to and approved in writing by the local planning authority and such details shall include:

- a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of works within the proposed Countryside Park and arrangements in respect of the phasing of all transportation infrastructure;
- temporary access arrangements for vehicles and pedestrians in respect of each phase;
- car parking arrangements in respect of each phase;
- any interim surface, boundary treatment, external lighting or landscaping measures;
- a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air

PLANNING COMMITTEE MINUTES (Continued)

- quality assessments and details of further mitigation measures, if necessary); and
- a temporary drainage strategy in respect of each phase.

Once approved the development of each phase shall be carried out in full accordance with such approved details or any subsequent amendments so approved.

Reason:

To ensure that in the event of the development being carried out on a phased basis, satisfactory access and interim environmental treatment is incorporated within each phase, in the interests of public safety and visual amenity in accordance with Policies BE1, TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (5) in respect of the Reserved Matters to be submitted in accordance with Condition 1, the building ridge heights and footprints and the overall Gross Internal Area of all building floor space shall be within the minimum and maximum limits set down in approved Parameters Plan drawing no. P16-0062-3E.

Reason:

To define the permission in the interests of urban design and highway safety and capacity in accordance with Policies BE1 & TR2 of the Warwick District Local Plan 2011-2029;

- (6) any Reserved Matters application shall, where relevant to that phase of development:
- Demonstrate that the proposals accord with the approved Parameters Plan drawing no. P16-0062-3E and the principles set down in the Design & Access Statement Addendum forming part of the approved application documentation;
 - iii) Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
 - iv) Identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
 - v) Identify locations for public art features;
 - vi) Show the location of each pond;

PLANNING COMMITTEE MINUTES (Continued)

- vii) Include design principles in respect of layout, scale, appearance and landscaping aimed at minimising its visual impact on the Lunt Roman Fort;
- viii) Contain details on how permeability will be achieved in respect of the network of estate roads within the technology campus;
- ix) Detail principles on how legibility will be achieved within the technology campus including design principles in respect of the new A45 bridge and land to the immediate south of it comprising the gateway into the development.
- x) Include landscape design principles for the technology campus aimed at ensuring that soft landscaping within this area is satisfactorily integrated with the Countryside Park and neighbouring land.
- xi) Contain principles in respect of disabled access throughout the development and to/from buildings.
- xii) Detail principles on how crime prevention matters will be addressed in respect of the development.

Any subsequent Reserved Matters applications shall accord with the approved Master Plan and Design Code.

Reason:

In the interests of urban design in accordance with Policies BE1 & HS7 of the Warwick District Local Plan 2011-2029;

- (7) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include details of all earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels in that phase and the relationship with adjacent land and buildings and such details shall accord with approved Parameters Plan drawing no. P16-0062-3E forming part of the approved application documentation.

Reason:

In the interests of urban design, to ensure that the mounds are in keeping with surrounding landscape and to ensure that the proposals do not harm the living conditions of nearby dwellings, in accordance with Policies BE1 &

PLANNING COMMITTEE MINUTES (Continued)

BE3 of the Warwick District Local Plan 2011-2029;

- (8) the reserved matters to be submitted in accordance with Condition 1 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase, such details to include information on the recycled/reclaimed content of such materials. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the local planning authority.

Reason:

In the interests of urban design in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (9) the gross floor space of any unit the primary use of which falls within Class B1(a) of the Town & Country Planning (Use Classes) Order 1987 as amended erected under this permission shall not exceed 4999 square metres.

Reason:

To ensure that the development does not prejudice the provision of large scale office accommodation in town centres in accordance with EC1 of the Warwick District Local Plan 2011-2029;

- (10) no building approved under this permission used primarily for purposes falling within Class A1 of the Town & Country Planning (Use Classes) Order 1987 as amended (or in any Order revoking and re-enacting that Order) shall exceed 250 square metres gross internal floor area.

Reason:

To safeguard the shopping strategies of the local planning authorities and to accord with Government Guidance in the NPPF which seeks to direct large scale retailing to Town Centre locations;

- (11) no car showroom floor space or floor space falling within Classes A1, A3, A4, A5 or C1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be occupied unless and until at least 8,500 square metres

PLANNING COMMITTEE MINUTES (Continued)

(GFA) of floor space falling within Use Class B1 of the said Order has been occupied within the technology campus.

Reason:

To ensure that the car showroom and other floor space falling within Use Classes A1, A3, A4, A5 and C1 is only provided when it is needed to serve the employment uses which primarily comprise the development approved under this permission in accordance with Policy TC2 of the Warwick District Local Plan 2011-2029;

- (12) no more than 10% of the total B1 floor space shall be occupied for purposes falling within Class B1a of the Town & Country Planning (Use Classes) Order 1987 as amended.

Reason:

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety and to ensure that the development is primarily a technology campus in accordance with the identified need;

- (13) the first 8,500 square metres (GFA) of floor space within the development shall be occupied by Jaguar Land Rover. No other buildings shall be occupied within the development until Jaguar Land Rover has fully occupied 8,500 square metres of B1 floor space within the technology campus.

Reason:

Since the particular requirements of Jaguar Land Rover form part of the very special circumstances for permitting this inappropriate development within the Green Belt, in accordance with the NPPF;

- (14) any soft landscaping referred to in Condition 1 in respect of each phase shall be completed in all respects within 6 months of the substantial completion of development in that phase. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to

PLANNING COMMITTEE MINUTES (Continued)

that which they replace. Any replacement hedging, trees or shrubs 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 visual amenity in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (15) no demolition or construction works shall commence in any phase (including any ground remodelling works), until a Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment in respect of those trees earmarked for retention under Condition 6 above have been submitted to and approved in writing by the local planning authority. Thereafter, all demolition and construction works (including any ground remodelling works) in that phase shall be undertaken in strict accordance with the approved Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment.

Reason:

To safeguard those trees to be retained in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

- (16) the existing trees, shrubs and hedges indicated under Condition 6 to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedges removed without such consent or dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) or shrub(s) of such size and species as have been approved in writing by the local planning authority. All tree(s), hedge(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces).

PLANNING COMMITTEE MINUTES (Continued)

Reason:

To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy NE4 of the Warwick District Local Plan 2011-2029;

- (17) the construction of buildings and mounds within the technology campus shall be phased in strict accordance with the construction phasing plan (drawing no. 3924-1/004 P4).

Reason:

To ensure that the mounds provide screening for the development at the earliest opportunity, in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (18) prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, will be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details.

Reason:

To ensure the sustainable management of the site's soil resource and to ensure that earthworks will provide the best opportunities for successful establishment and sustenance of landscape infrastructure and ecological services throughout the scheme, in accordance with Policies BE1 & NE4 of the Warwick District Local Plan 2011-2029;

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

- 56,766 square metres (GFA) of B1 floor space;
- 4,645 square metres (GFA) of car showroom floor space;
- 11,617 square metres (GFA) of hotel

PLANNING COMMITTEE MINUTES (Continued)

- floor space; and
- 2,300 square metres (GFA) of A1, A3, A4 and A5 floor space.

Reason:

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

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

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

The mitigation scheme shall be informed by an assessment of the traffic impacts at this junction and its associated interaction with the A46/A45(T) with the scope of this assessment to have been first agreed in writing by the local planning authority. The mitigation scheme approved under this condition shall be implemented in strict accordance with the approved details.

Reason:

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

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

PLANNING COMMITTEE MINUTES (Continued)

- i) Full details of how the site access provisions generally as illustrated on the General Arrangement Drawing 15-0752-100 and as amended by Toll Bar Junction Drawing 15-0752-107 Rev 1 will align with Highways England's A45 Tollbar End Improvement scheme;
- ii) Full details, of the proposed new A45 Grade Separated Junction as generally illustrated on General Arrangement Drawing Number 15-0752-100 Rev 1; and
- iii) Full details, of the proposed alterations to the A46 / A45 / A444 Stivichall Interchange.

The details to be submitted under this condition shall include:

- How the development scheme interfaces with the A45 / A46 trunk roads highway alignment, including full details as indicated within the design check list contained within HD19/15 of the Design Manual for Roads and Bridges (DMRB).
- Confirmation of full compliance with the current Design Manual for Roads and Bridges (DMRB), Interim Advice Notes (IANs), Traffic Sign Manual (TSM), Manual of Contract Documents for Highway Works (MCHW) and associated British Standards and Eurocodes and Department for Transport Policies, Local Transport Notes (LTNs), Traffic Advisory Leaflets (TALs) and Advice Notes and any necessary relaxations / departures from standards approved by the Highways Authority for the Strategic Road Network.
- Independent Stages One and Two Road Safety Audits carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) and related Interim Advice Notes (IANs) prior to construction. A Stage three RSA will be required prior to opening.
- Design stage Non-Motorised User Audit carried out in accordance with the current Design Manual for Roads and Bridges (DMRB) standard and related Interim Advice Notes (IANs).

To enable the A46 and A45 Trunk Roads to continue to be an effective part of the national

PLANNING COMMITTEE MINUTES (Continued)

system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 and to protect the interest of road safety.

Prior to the commencement of development, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition.

Reason:

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

- (22) prior to the commencement of development, other than site preparation and earthworks, detailed design of the amendments to the existing cycleway along the northern edge of the A45 Stonebridge Highway shall be submitted to and approved in writing by the local planning authority. The design shall include details of the downgrading of the cycleway to a footway at the access to Stonebridge Meadows Local Nature Reserve (the SINC) and an appropriate signage strategy. The development shall be carried out in strict accordance with the details approved under this condition.

Reason:

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

- (23) prior to the commencement of drainage works, details of the drainage strategy for the development site and highway works affecting the Strategic Road Network shall be submitted

PLANNING COMMITTEE MINUTES (Continued)

to and approved by the local planning authority. The drainage strategy shall ensure there is no connection (direct or indirect) to the trunk road drainage system. The drainage strategy shall thereafter be implemented in strict accordance with the approved details.

Reason:

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

- (24) no development shall commence other than site preparation and earthworks until full details of the site access provisions, in general accordance with drawing nos. THDA SK12 Rev C, THDA 15-0752 101 Rev 1 & THDA 15-0752 102 Rev 1, have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in strict accordance with the approved plans and permanently retained thereafter.

Reason:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (25) No construction shall commence in each phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. This shall include a Construction Phasing Plan, HGV routing Plan, details of provision for HGV access and manoeuvring on site and details of employee car parking provision. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition.

Reason:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (26) access to and departure from the development site by construction delivery vehicles shall not be permitted between 0730 hours and 0900 hours or between 1630 hours and 1800 hours.

PLANNING COMMITTEE MINUTES (Continued)

Reason:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (27) no development shall commence other than site preparation and earthworks until details of the proposed accesses onto Rowley Road have been submitted to and approved in writing by the local planning authority. Thereafter the approved highway access works will be implemented in accordance with the approved plans and permanently retained thereafter.

Reason:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (28) no construction shall commence on site until a detailed Highway Improvement Works Phasing Plan and Construction Sequence Programme/Timetable, linked to the extent of built floor space, and generally in accordance with Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 and PHP Architects Construction Phasing Plan Including Highways and Earthworks 3924-1 004 rev P3 has been submitted to and approved in writing by the local planning authority. Thereafter the phasing of development shall be undertaken in full accordance with these approved details.

Reason:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (29) no more than 46,450 square metres (GFA) of development falling within Use Class B1 of the Town & Country Planning (Use Classes) Order 1987 as amended shall be brought into use and occupied until the Phase 2 site access highway works as illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P27 have been constructed in general accordance with the detailed highways drawings in respect of such phase 2 works forming part of the approved application documentation and is opened to traffic.

PLANNING COMMITTEE MINUTES (Continued)

Reason:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

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

Reason:

In the interests of highway safety in accordance with Policies TR1 & TR2 of the Warwick District Local Plan 2011-2029;

- (31) to highway works approved as part of the development shall be undertaken unless and until:
- i) a Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
 - ii) the details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time;

in respect of those highway works, have been submitted to and approved in writing by the local planning authority.

Reason:

In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (32) street lighting shall be provided in respect of each phase of the development hereby permitted which involves the construction of highways, footpaths or cycle ways in full accordance with details previously submitted to and approved in writing by the local planning authority.

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

- (33) at all times following the completion and

PLANNING COMMITTEE MINUTES (Continued)

opening to traffic of the phase 3 highway works in respect of the new A45 junction between the Festival and Toll Bar Islands, as illustrated on Lawrence Walker Ltd Drawing no. Figure 2 Rev P27 (Site Access Proposed Improvements Phasing) signage, traffic signal or other traffic management arrangements shall be in place on Rowley Road in accordance with details previously submitted to and approved in writing by the local planning authority to discourage vehicles exiting the development from utilising the roundabout element of the completed Highways Agency Tollbar End Improvement Scheme in order to access the strategic highway network.

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

(34) no building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the local planning authority:

- i) Motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;
- ii) All the car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus 6 further spaces;
- iii) Covered cycle and motorcycle parking; and
- iv) Servicing arrangements in respect of that building.

Thereafter such transportation infrastructure shall remain in place and available for such use at all times.

Reason:

In the interests of highway, pedestrian and cyclist safety and to promote sustainable transport choices in accordance Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029;

(35) the number of car parking spaces to be

PLANNING COMMITTEE MINUTES (Continued)

provided within the application site in respect of the development hereby permitted shall not exceed 2,500, of which a maximum of 500 shall be allocated for visitors and no more than 2,000 for the employees of the development. Provided the above limits are not exceeded, car parking shall be provided in accordance with the standards for low accessibility zones set out in the Council Vehicle Parking Standards Supplementary Planning Document.

Reason:

In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029;

- (36) prior to any part of the development being brought into use and occupied a detailed Car Parking Management Strategy for the control, management and enforcement of on-site (development plot) parking and of off-site (access and distributor road) parking shall be submitted to and approved in writing by the local planning authority. Thereafter car parking associated with the development shall be managed in full accordance with this approved Strategy.

Reason:

In the interests of highway safety and the promotion of sustainable transport choices in accordance with Policies TR1, TR2 & TR3 of the Warwick District Local Plan 2011-2029;

- (37) the reserved matters to be submitted in accordance with Condition 1 in respect of any single unit exceeding 1000 square metres (GFA) shall be accompanied by details of showering and changing facilities for employees working in or visiting that unit. Thereafter such approved facilities shall be provided in the construction of that unit and at all times following the first occupation of that unit those facilities shall remain in place and be available for use by persons employed in that unit.

Reason:

To promote sustainable transport choices in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (38) no development other than site preparation

PLANNING COMMITTEE MINUTES (Continued)

and earthworks shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 plus 20% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- i) Full drainage calculations for a range of events (Microdrainage windes or similar)
- ii) Construction details for the ponds/swales
- iii) Details of how the scheme will be maintained and managed after completion.

Reason:

To prevent the increased risk of flooding both on and off site, to ensure the features are constructed to the necessary standard and to ensure long term maintenance of the sustainable drainage scheme in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

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

Reason:

To ensure the bridges and bridge extensions are constructed to a satisfactory standard and will not increase flood risk elsewhere in

PLANNING COMMITTEE MINUTES (Continued)

accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

- (40) the development hereby permitted shall be carried out in strict accordance with the approved Flood Risk Assessment (dated 15/01/16, ref: WHI-BWB-EWE-XX-RP-EN-0001_FRA Rev C, prepared by BWB Consulting) and the following mitigation measures detailed within the Flood Risk Assessment:
- Finished floor levels to be set no lower than 600mm above the 1 in 100 year +20% flood level and at least 150mm above average surrounding ground level as recommended in Table 5.1.
 - Provision of floodplain compensation for the new River Sowe bridge on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 7,199m³.
 - Provision of floodplain compensation for the proposed A46 slip road crossing on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 2,263m³.

Reason:

To ensure runoff from the site is not increased, satisfactory storage is provided and water quality benefits are included in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

- (41) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within Flood Zone 3 or the bridge and embankment floodplain compensation areas as delineated on drawing ref: WHI-BWB-EWE-XX-SK-EN-0010, S2, rev P1 (Masterplan showing Flood Zones).

Reason:

To ensure the bridges and bridge extensions will not increase flood risk elsewhere in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (42) the reserved matters submitted under Condition 1 above in respect of any phase of the development shall include details for the disposal of foul sewage associated with any development in that phase. Thereafter infrastructure for the disposal of foul sewage in respect of that phase of the development shall be provided in accordance with the approved details before the development in that phase is first brought into use.

Reason:

To ensure that the development is provided with a satisfactory means of foul sewage drainage in accordance with FW2 of the Warwick District Local Plan 2011-2029;

- (43) no development shall take place until a scheme for the provision and management of compensatory habitat creation, to compensate for the impact of the proposed development on the River Sowe, has been submitted to and agreed in writing by the local planning authority. This should include an investigation into the feasibility of river bank and floodplain restoration. Thereafter the development shall be implemented in accordance with the approved scheme.

Reason:

To ensure that harm resulting from the development can be adequately mitigated in accordance with Paragraph 118 of the NPPF;

- (44) for the duration of highway construction works on Rowley Road and thereafter at all times following the completion of those highway works access for the Midland Air Museum to and from Rowley Road shall be maintained in accordance with details submitted to and approved in writing by the local planning authority.

Reason:

To safeguard this cultural facility;

- (45) the development hereby permitted shall not be commenced on the site occupied by Trinity Guild RFC unless and until:

- i) the Trinity Guild RFC have moved to a new site and playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those

PLANNING COMMITTEE MINUTES (Continued)

facilities have been provided for the club on that site which are at least equivalent in terms of quantity and quality to those which the club currently have on their existing site in accordance with details submitted to and approved in writing by the local planning authority in consultation with Sport England and;

- ii) those playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities on that new site are available for use by the club.

Reason:

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

- (46) no development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently approved in writing by the local planning authority.

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

- (47) no part of the development hereby permitted shall be occupied until:
 - i) details of measures to prevent illegal road racing or other anti-social or dangerous use of the roads within the development have been submitted to and approved in writing by the local planning authority; and
 - ii) the measures approved under i) have been implemented in strict accordance with the approved details in relation to

that part.

Reason:

To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;

- (48) no part of the development hereby permitted shall be occupied until ANPR cameras have been provided in accordance with a scheme submitted to and approved in writing by the local planning authority. The ANPR equipment shall comply with the ACPO ANPR standards and with the information security requirements of Warwickshire Police. Warwickshire Police shall be provided with access to the live feeds from the ANPR cameras at all times thereafter.

Reason:

To minimise the potential for crime and anti-social behaviour and improve community safety, in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;

- (49) fume extraction and odour control equipment (including external ducting flues) associated with any catering operation shall be properly installed in its entirety in accordance with details first submitted to and approved in writing by the local planning authority and such installation shall have been inspected by the local planning authority before that catering operation commences. Any external ducting shall be colour coated in accordance with the approved details within one month of its installation and any replacement or modification shall be colour coated to match within one month of its installation. The equipment shall be permanently operated and maintained in accordance with the manufacturer's specifications.

Reason:

In the interests of amenity in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

- (50) noise arising from any plant or equipment within the application site, when measured one metre from the façade of any residential property, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in

PLANNING COMMITTEE MINUTES (Continued)

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

Reason:

To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

(51) none of the buildings hereby permitted shall be first occupied until:

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

The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the report approved under (i) at all times thereafter.

Reason:

To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

(52) the Construction Management Plan to be submitted under Condition 26 above shall also include detail in respect of those matters set out in Sections 4, 5 & 6 of the Construction Sequence and Programme report forming part of the approved application documentation and shall include details of measures to control dust and noise from construction activities.

Reason:

In the interests of highway safety and to protect the living conditions of nearby properties, in accordance with Policies BE3, TR1, TR2 & NE5 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (53) no development shall take place on any phase of development until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

Reason:

To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy TR2 of the Warwick District Local Plan 2011-2029;

- (54) no development shall take place on any phase of the development until:
- i) a preliminary risk assessment has been carried out (to include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information) and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;
 - ii) a site investigation has been undertaken in accordance with details approved by the local planning authority using the information obtained from the preliminary risk assessment;
 - iii) a method statement detailing the remediation requirements (including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation) has been submitted to and approved in writing by the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

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

Reason:

To protect controlled waters and the health and safety of future occupiers, and to satisfy

PLANNING COMMITTEE MINUTES (Continued)

the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (55) if, during development, contamination not previously identified is found to be present at the site then no further development shall take place until an addendum to the remediation method statement has been submitted to and approved in writing by the local planning authority. The addendum to the method statement shall detail how this unsuspected contamination will be dealt with. The remediation requirements in the approved addendum to the method statement shall thereafter be implemented.

Reason:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (56) no phase of the development shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details.

Reason:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

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

- i) a scheme of validation sampling has

PLANNING COMMITTEE MINUTES (Continued)

been submitted to and approved in writing by the local planning authority; and

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

Reason:

To protect controlled waters and the health and safety of future occupiers, and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

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

Reason:

To protect controlled waters and to satisfy the requirements of Policy NE5 of the Warwick District Local Plan 2011-2029;

- (59) construction work shall not begin on any phase of the development hereby permitted until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development.

Reason:

In the interests of fire safety in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (60) no development shall commence on any phase of the development hereby permitted, other than site preparation and earthworks, until a lighting scheme for that phase of the development, excluding street lighting, has

PLANNING COMMITTEE MINUTES (Continued)

been submitted to and approved in writing by the local planning authority. No lighting shall be installed other than in strict accordance with the approved lighting schemes.

Reason:

To protect the amenities of the occupiers of nearby properties in the locality and the rural character of the area, in accordance with Policies BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029;

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

Reason:

To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy CC3 of the Warwick District Local Plan 2011-2029; and

- (62) details of an improvement scheme at the A46 Stoneleigh junction and a programme defining trigger points for its full implementation are to be submitted to the Local Planning Authority.

139. W/18/1971 – 2 Greatheed Road, Royal Leamington Spa

The Committee considered a retrospective application from Mr Lightfoot for a change of use from single dwelling house (Use Class C3) to a four bedroom House in Multiple Occupation (Use Class C4).

PLANNING COMMITTEE MINUTES (Continued)

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

The officer was of the opinion that the proposed development accorded with the provisions of Local Plan Policy H6 relating to the provision of Houses in Multiple Occupation.

There were no site specific criteria that would affect the development. There was no technical objection from the County Highways Officer in terms of parking or highway safety that would outweigh the grant of planning permission and adequate facilities were available within the site for the storage of waste.

An addendum circulated at the meeting advised that an additional comment had been received from Warwick District Councillor Davison in support of the application.

The following people addressed the Committee:

- Mrs A Patrick, objecting;
- Mr P Lightfoot, supporting; and
- Councillor Gifford, Ward Councillor, objecting.

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

The Committee therefore

Resolved that W/18/1971 be **granted** in accordance with the recommendations in the report, subject to the following condition:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing titled 'proposed floor plans', and specification contained therein, submitted on 8 October 2018 and 24 October 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.

At 8.20pm, the meeting was adjourned for 16 minutes for a comfort break.

140. W/18/1760 – 19 Pickard Street, Warwick

The Committee considered an application from Mr Ruyssevelt for a variation of condition 2 (plan numbers) of planning application W/16/1744 to allow for a store room in the loft space and alterations to fenestration.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because a number of objections had been received, including one from Warwick Town Council.

The officer was of the opinion that the proposed variation of condition 2 to allow for alterations to the approved plans numbers was considered to be acceptable and would not cause harm to the street scene, neighbouring residential amenity or highway safety. The recommendation was that the proposed amendments should be granted.

An addendum circulated at the meeting advised of one additional public response objecting to the application and requesting a condition be imposed to restrict the use of the loft space.

The following people addressed the Committee:

- Ms J Arthurton, objecting; and
- Councillor Murphy, Ward Councillor, objecting.

It was clarified by officers that the Committee could not impose a condition relating to the use of the loft space as a storage room only. The Council's solicitor explained that any condition would need to meet a series of tests.

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

The Committee therefore

Resolved that W/18/1760 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 8th December 2016 (the date of the original permission).
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings 5155/07 E and 5155/08 E, and specification contained therein, submitted on 5th November 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011 – 2029;
- (3) no development shall take place until a Construction Management Plan has been submitted to and approved in writing by the

PLANNING COMMITTEE MINUTES (Continued)

Local Planning Authority and Local Highway Authority. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and parking and loading/unloading of staff/construction/delivery vehicles. The Development shall be carried out in strict accordance with the approved Construction Management Plan. **Reason:** To ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety in accordance with Policy TR3 of the Warwick District Local Plan 2011 – 2029;

- (4) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (5) the proposed site shall be laid out and constructed in general accordance with drawing no. 5155/08 E. **Reason:** To ensure that there are adequate off street parking provision is made for the development hereby permitted, in accordance with Policy TR3 in the Local Plan and the Council's adopted Supplementary Planning Document on Vehicle Parking Standards;
- (6) the access to the site for vehicles shall not be used unless the public highway footway crossing has been widened, laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and to satisfy Policy TR1 in the Warwick District Local Plan 2011 – 2029;
- (7) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for its whole length as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety and to satisfy Policy TR1 in the Warwick

PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 2011 – 2029;

- (8) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of the dwelling house hereby permitted which falls within Part 1 Classes A, B, C, D, or E or Part 3, Class L. **Reason:** That due to the restricted nature of the application site and its relationship with adjoining properties and to ensure that adequate parking is maintained at all times it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies BE1, BE3 and TR3 of the Warwick District Local Plan 2011 – 2029;
- (9) the development shall not be occupied until the bat boxes shown on the approved drawings have been installed in accordance with the details submitted. Thereafter, the boxes shall be maintained in perpetuity. **Reason:** In accordance with NPPF, ODPM Circular 2005/06 and policy NE2 of the Warwick District Local Plan 2011 - 2029.

141. W/18/1021 – 52 High Street Kenilworth

The Committee considered an application from Mr and Mrs Lynes for the proposed erection of a three bedroom, detached, pitched roof dwelling in the existing residential rear garden.

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

The officer was of the opinion that the proposed dwelling was not considered to be acceptable in principle as the development was not considered to harmonise well with the existing character of the area, which would be contrary to Local Plan policies H1 and BE1 and KNDP policy KP13. The development would also have a harmful impact on the setting of the listed building and Conservation Area, which was contrary to Local Plan policies HE1 and HE2 and KNDP policies KP13 and KP13H. Furthermore, the proposal was considered to have an adverse and unneighbourly impact on the occupiers of neighbouring residential properties, which would be contrary to Local Plan policy BE3 and KNDP policy KP13. The development also failed to provide adequate waste storage options which was contrary to Local Plan policies BE1 and BE3. The recommendation was that the application should be refused.

PLANNING COMMITTEE MINUTES (Continued)

An addendum circulated at the meeting advised of an additional public response objecting to the application, as well as the Tree Officer's response to that objection.

The following people addressed the Committee:

- Mr P Hailey, objecting;
- Mr P Bridges, objecting;
- Mr C Taylor, objecting; and
- Mr A Murphy, supporting.

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

The Committee therefore

Resolved that W/18/1021 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) Warwick District Local Plan 2011 - 2029 Policy H1 states that housing development on garden land, in urban and rural areas, will not be permitted unless the development reinforces, or harmonises with, the established character of the street and/or locality and respects surrounding buildings in terms of scale, height, form and massing.

It is considered that the proposed development would not reinforce, or harmonise with the established character of the street and locality by virtue of a lack of street frontage and inappropriate scale. The proposal is considered to represent back land development which is out of keeping and harmful to the character of the area.

The proposal is therefore considered to be contrary to the aforementioned policy;

- (2) Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. The policy requires development to harmonise with or enhance the existing settlement in terms of physical form, and to reinforce or enhance the established urban character of streets.

Kenilworth Neighbourhood Development Plan

PLANNING COMMITTEE MINUTES (Continued)

2017 - 2029 policy DP13 states that development proposals should achieve a standard of design that are appropriate to the local area and demonstrates that there is a positive response to the site characteristics and surroundings in terms of the proposed layout, density, building scale, height, proportions, massing, orientation, architectural detail, materials and landscape.

It is considered that the proposed development would not respond positively or harmonise with the established character of the street and locality by virtue of a lack of street frontage and incongruous scale. The excessive scale and footprint of the proposed development is considered to represent overdevelopment of the site. The proposal is considered to represent back land development which is out of keeping and harmful to the character of the area.

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

- (3) Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

KNDP policy KP13 states that impact on residential amenity of existing and future residents must be assessed and addressed.

The proposed access arrangement would result in undue noise and disturbance to the occupiers of 52 High Street which emanate from the unfettered movements of vehicles using the access. Due to the close proximity of the access running alongside 52 High Street, it is considered that the proposal would be unneighbourly as it would disrupt the enjoyment of the quiet private amenity space associated with 52 High Street where it is not unreasonable to expect such enjoyment.

The proposal is thereby considered to be contrary to the aforementioned policy;

- (4) Policy HE1 of the Warwick District Local Plan 2011-2029 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its

PLANNING COMMITTEE MINUTES (Continued)

special character or historic interest, integrity or setting. Furthermore, policy HE2 of the Warwick District Local Plan 2011-2029 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

KNDP policy KP13 states that heritage assets and their settings in the locality must be respected in accordance with their significance. Policy KP13H defines the design management principles in High Street and recognises the importance of the 17th and 19th century properties as high value.

The proposed development would be seriously detrimental to the setting of both the listed building and the Conservation Area as a whole, by reason that the proposed dwelling fails to harmonise well with and preserve the established character of the Conservation Area. The scale of the proposed development would also be harmful to the established character of the Conservation Area and the development would be positioned on garden land which forms part of the distinctive character and setting of the nearby listed buildings.

The harm identified is considered to be less than substantial; however, there are no public benefits identified which would outweigh this harm.

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

- (5) the Council's guidance note on refuse and recycling storage states that in accordance with British Standard 5906:2005 residents should not be required to move any 2-wheeled container more than 15m from the point of storage to the point of collection. The guidance note also confirms that storage areas for residential dwellings should be sited so that the occupiers are not required to carry waste more than 30m from an external door to the point of storage.

The future occupiers of the dwellings would be required to move their waste 55 metres from the front door to the bin storage area at the front of the site. This is considerably more than the recommended distance of 30 metres. 55

PLANNING COMMITTEE MINUTES (Continued)

metres is an unreasonable distance to expect occupants to transport waste to be collected.

The proposal is therefore considered to conflict with Local Plan policy BE1 as it fails to provide sufficient waste management and would also conflict with Local Plan policy BE3 as it fails to provide convenient waste storage options which could affect levels of amenity for the future occupiers.

142. W/18/1998 – The Bungalow, Honiley Road, Beausale

The Committee considered an application from Forte Projects Limited for the variation of condition 2 (approved drawing numbers) of planning permission ref: W/17/1639 - "Demolition of existing bungalow and construction of two no. detached dormer bungalows; formation of one new access to the highway" to allow for an amended house type which included a single storey rear extension to plot 2.

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

The officer was of the opinion that the amended design of Plot 2 which incorporated a single storey extension was considered to constitute appropriate development in the Green Belt which would not result in material harm to the character and appearance of the street scene or the amenity of nearby neighbouring properties. In addition, the same design had recently been approved to the adjacent plot and was therefore considered to be appropriate in terms of design and scale when read in the context with this property.

An addendum circulated at the meeting advised of further consultation responses being received from Beausale, Haseley, Honiley and Wroxall Parish Council. The addendum also provided information regarding an enforcement case relating to the existing dormers, which had been investigated and no enforcement action was to be taken. The case had therefore been successfully closed.

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

The Committee therefore

Resolved that W/18/1998 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 3467-P4, 3467-P5, 3467-

PLANNING COMMITTEE MINUTES (Continued)

P6, and specification contained therein, submitted on 15 October 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (2) 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;
- (3) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping shall include any replacement planting proposed within the site and/or around the perimeter of the site and at least in relation to the frontage boundary to replace planting removed. Details of hard landscaping works shall include boundary treatments, including full details of any proposed boundary walls, railings and/or gates to be erected, specifying the colour of any railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the

PLANNING COMMITTEE MINUTES (Continued)

local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- (4) no part of the development hereby permitted shall be commenced (including demolition, site clearance or other preparatory works) and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;
- (5) no part of the development hereby permitted, including site clearance, shall be commenced until a combined ecological and landscaping scheme has been submitted to and agreed in writing by the Local Planning Authority (in conjunction with WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree/wildflower planting and installation of bird and bat boxes. The agreed scheme shall thereafter be fully implemented before and during development of the site as appropriate. **Reason:** To ensure a net biodiversity gain in accordance with Policies NE3 and NE4 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (6) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to check all suitable features in the roof of the buildings to be demolished and to check all trees to be removed for bats and nesting birds immediately prior to works commencing. All roofing material is to be subsequently removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. If nesting birds are found the works cannot commence until the young have fledged. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
- (7) the development shall not be occupied until visibility splays have been provided to the vehicular accesses to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 120 metres to the near edge of the public highway carriageway, in accordance with drawing no. 3103-08. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (8) the development shall not be occupied until the accesses to the site have been positioned and laid out in accordance with drawing no. 3103-08. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

- (9) the accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (10) the accesses to the site for vehicles shall not be used unless public highway verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (11) 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 2011-2029; and
- (12) the roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

(The meeting ended at 9.33pm)

CHAIR
29 January 2019

Application No: [W 18 / 0522](#)

Town/Parish Council: Baginton
Case Officer: Rob Young

Registration Date: 07/03/18
Expiry Date: 06/06/18

01926 456535 rob.young@warwickdc.gov.uk

**Gateway South, Land to the South and West of Coventry Airport and
Middlemarch Industrial Estate, Coventry**

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

BACKGROUND

On 12 December 2018 Planning Committee resolved to approve the above application, subject to referral to the Secretary of State. The Secretary of State has subsequently confirmed that they do not wish to call the application in.

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

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

Planning Committee are only being asked to consider the wording of these two conditions and not to reopen determination of the application as a whole.

RECOMMENDATION

Planning Committee are recommended to APPROVE the revised wording for these conditions.

STONELEIGH JUNCTION CONDITION

The wording of this condition as approved is as follows:

No part of the development hereby permitted shall come into use until a scheme of works at the A46 Stoneleigh junction has been implemented and is open to traffic. The scheme shall provide sufficient improvement in operational capacity to adequately mitigate the traffic impacts of the development hereby permitted.

The applicant wishes this to be changed to read as follows:

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

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

It is considered that the revised wording would retain suitable control over the provision of mitigation works at the Stoneleigh junction, whilst allowing flexibility for the County Council's own scheme for that junction to come forward. Highways England have been consulted on this change and their comments are awaited and will be included in the addendum report for Committee. However, as they have agreed such a condition for the adjacent Whitley South development, it is anticipated that they are likely to agree this for the Gateway South site.

EMERGENCY ACCESS CONDITION

The wording of this condition as approved is as follows:

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

The applicant wishes this to be changed to read as follows (additional wording underlined):

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

As currently drafted, the condition requires a reciprocal arrangement with Middlemarch Business Park for emergency access. However, whilst emergency access can be gained from Middlemarch Business Park through the site, the applicant does not currently have rights of emergency access to Siskin Parkway West. The applicant does, however, have agreement in principle from Coventry Airport to provide an emergency access across their land.

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

CONCLUSION

For the above reasons, subject to there being no objection from Highways England, it is recommended that the wording of the conditions is changed as requested.

Planning Committee: 29 January 2019

Item Number: 6

Application No: [W 18 / 1141](#)

Town/Parish Council: Lapworth

Case Officer: Helena Obremski

01926 456531 Helena.Obremski@warwickdc.gov.uk

Registration Date: 31/10/18

Expiry Date: 26/12/18

Land r/o 177 - 179 Chessetts Wood Road, Lapworth, Solihull, B94 6ET

Proposed erection of a three bedroom detached dwelling. FOR Mr & Mrs Yates

This application has been requested to be presented to Committee by Councillor Gallagher.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission for the reasons listed in the report.

DETAILS OF THE DEVELOPMENT

The proposal seeks planning permission for the erection of a detached two storey dwelling, with integral garage and access fronting onto Chessetts Wood Road.

THE SITE AND ITS LOCATION

The application site is a portion of land, currently acting as garden land serving 5 Chapel Lane (to the rear of the gardens serving 177 - 179 Chessetts Wood Road). The application site is located within the Green Belt and the limited infill boundary of Chessetts Wood.

PLANNING HISTORY

W/88/0294 - proposed erection of four detached dwellings, refused owing to the detrimental impact on the Green Belt, detrimental precedent which the development may set and principle of the development in unsustainable location.

W/90/1166 - proposed erection of a dwelling and detached double garage, refused owing to the detrimental impact on the Green Belt, detrimental precedent which the development may set and principle of the development in unsustainable location.

W/90/1167 - proposed erection of two detached dwellings and double garages, refused owing to the detrimental impact on the Green Belt, detrimental precedent which the development may set and principle of the development in unsustainable location.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: No objection if the site is within the village envelope / village infill boundary.

Councillor Gallagher: Support, the site is within the limited infill boundary and should be counted as limited infill development.

WCC Ecology: No objection, subject to conditions.

WCC Highways: No objection, subject to condition and notes.

Private Sector Housing: No objection.

Environmental Protection: No objection, subject to conditions.

Waste Management: No objection.

Tree Officer: Insufficient information has been provided.

Public Responses: 6 Objections concerning:

- The impact on nearby trees;
- The impact on neighbouring residential amenity - loss of privacy, light and outlook;
- The detrimental impact on the character and appearance of the area;
- The scale which is out of keeping with properties in the nearby area;
- The proposal not complying with Local Plan policy H11 (limited infilling) and having a detrimental impact on the Green Belt;
- The use of the site for landfill;
- The capacity of the sewerage system;
- The impact on wildlife.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- The Principle of the Development
- Whether the proposal constitutes appropriate development in the Green Belt
- The impact on the Character of the Area
- The impact on the living conditions of nearby dwellings and living conditions for the future occupiers
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Ecological Impact and Trees
- Waste
- Health and Wellbeing
- Other Matters

Principle of the Development

Local Plan policy H1 states that new housing will be permitted in Growth Villages and Limited Infill Villages as shown on the proposal maps. Lapworth is identified as a Limited Infill Village, therefore the development is acceptable in principle *if* it meets the definition of limited infilling in accordance with Local Plan policy H11, which is explored in more detail below.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified

Limited infilling

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belt are openness and permanence. It sets out that inappropriate development within the Green Belt is harmful by definition. Exceptions to inappropriate development in the Green Belt are listed and includes the limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not

have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Policy H11 of the Local Plan allows housing in Limited Infill Villages in the Green Belt. The policy defines limited infilling as acceptable as long as the development comprises of the infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage, which is visible as part of the street scene, and as long as the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area. The applicant contends that the development represents limited infilling and Councillor Gallagher also support this view. However, there have been objections from members of the public that the proposal does not constitute limited infill development.

The fact that the house is not in an isolated location does not mean that this would essentially be an infill development. The site is not considered to represent a "small gap" between a largely uninterrupted built up frontage - the application site is a parcel of open land, at the end of the gardens serving 177 - 179 Chessetts Wood Road and 5 Chapel Lane. To the north of the site lies open paddock land, with over 100 metres between the edge of the application site and nearest neighbouring property.

The site lies at the edge of the limited infill boundary, where the built form becomes more sporadic, and gaps between residential properties become more pronounced. The application site is not read as a small or visible gap within the built up frontage as there is an established hedgerow and mature trees which run along the entire front boundary of the site. The application site forms an important part of the Chessetts Wood Road, as the development becomes sporadic when leaving, creating a soft and open impression. Therefore, it is not considered that the site either represents a "small gap", or that the site context is one which represents a "built up frontage". Therefore, although the site lies within a limited infill boundary, the proposal fails to meet the Council's definition of limited infilling and the requirements of Local Plan policy H11.

It is recognised that the application site has been included within the limited infill boundary. However, it is clear from the Local Plan proposals map that the infill boundary line is simply a continuation of the boundary which runs along the rear gardens of the properties along Chapel Lane, rather than specifically identifying the site as suitable for limited infilling.

Therefore, it is considered that the proposed development would be contrary to Local Plan policy H11 as it does not meet the Council's definition of limited infilling.

Very special circumstances

It is necessary to consider whether there are any very special circumstances which would outweigh the harm caused to openness, and any other harm identified.

The Design and Access Statement notes that there are properties opposite and alongside the application site, and that the proposed dwelling has been designed so as not to have a harmful impact on neighbouring properties or the Green Belt.

Officers disagree that the development would not have a harmful impact on the openness of the Green Belt - the proposed dwelling would create new built form on an currently open plot of land, thus harming openness. The dwelling would be of substantial size. It is not considered that there are any very special circumstances presented which would outweigh the harm caused to the Green Belt.

Therefore, it is considered that the proposed development would constitute inappropriate development in the Green Belt and that there are no very special circumstances identified which outweigh this harm. The development is considered to be contrary to the NPPF and Local Plan policies H11 and DS18.

The impact on the Character of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. The Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

There have been objections from members of the public that the scale of the proposed dwelling is out of keeping with properties in the nearby area and that the development would have a detrimental impact on character and appearance of the area.

As detailed above, the application site is located outside of the main built-up section of Chessetts Wood Road. Residential properties are more sporadic and there are large gaps in between the properties, including that which forms the application site, which adds to the verdant, rural character of the area. The application site is considered to form an important part of the street scene, and reducing this green aspect by infilling it with built form would harm the character of this rural landscape.

Furthermore, the wider street scene is characterised by modest detached and semi-detached properties. The proposed dwelling would have a considerably

larger footprint than these nearby dwellings and is not considered to harmonise well with, or reinforce the established character of the street scene. The proposed dwelling would dominate and detract from the modest nearby properties and the rural character of the area.

Also, the loss of established hedgerow and mature trees are considered to be harmful to the street scene, which again, form part of the established rural character of this section of Chessetts Wood Road.

Therefore, the proposed loss of the openness of the application site and established trees and hedgerow are considered to be harmful to the rural character of the area. The proposed dwelling also fails to harmonise well with the street scene as it would appear out of keeping and dominant in comparison to nearby properties. The proposed development is therefore considered to be contrary to Local Plan policy BE1.

The impact on the living conditions of nearby dwellings and living conditions for the future occupiers

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Impact on neighbouring residential amenity

There have been objections from members of the public that the proposal would result in a loss of privacy, light and outlook to neighbouring properties.

There are no proposed first floor windows facing towards the closest neighbours to the south of the site. It is therefore not considered that there would be any loss of privacy or overlooking as a result of the development to these properties.

There is a bathroom window at first floor which would face towards the north of the site. However, the nearest neighbour to the north of the site is more than 100 metres from the proposed dwelling, and therefore it is not considered that it would be reasonable to require that this window be permanently obscurely glazed.

There are neighbours diagonally opposite to the site, however, these are separated from the application site by a road and the application property would not face directly towards this neighbours property. There would be no breach of the Council's adopted 45 degree guidance from any neighbouring properties.

Living conditions for the future occupiers

The proposed dwelling would provide appropriate living conditions for the future occupiers of the dwelling. The development would provide sufficient private amenity space in accordance with the Council's adopted relevant guidance.

The proposed development is therefore considered to comply with the NPPF, Local Plan policy BE3 and the Residential Design Guide.

Car Parking and Highway Safety

Sufficient space for two cars and cycle storage can be accommodated within the site boundaries in accordance with the Council's adopted Vehicle Parking Standards guidance.

WCC Highways have assessed the application and have no objection to the proposed development, subject to a condition requiring that the access cannot be used unless a public highway verge has been laid out. This is considered to be reasonable and could be added if the application were being approved.

The development is considered to be in accordance with the NPPF and Local Plan policies TR1 and TR3.

Drainage and Flood Risk

No information has been provided in reference to sustainable drainage within the site boundaries, however, this matter could be secured by condition if the application were being approved.

Ecological Impact and Trees

Members of the public have expressed concerns regarding the impact of the proposed development on wildlife and the impact on nearby trees. WCC Ecology have assessed the application, and have no objection to the proposed development. They have requested that conditions are attached to ensure that a tree protection plan and biodiversity enhancements are provided.

These could be attached if the application were being approved.

The agent has also submitted an arboricultural impact assessment which has been assessed by the Council's Tree Officer. The Tree Officer has expressed concerns regarding the information provided by the applicant in reference to tree protection measures. The Tree Officer has stated that the information provided is generic and that further information such as a tree protection plan and alternative construction techniques are required.

The applicant has been informed of the Tree Officer's comments and is obtaining additional information to satisfy their requirements. Planning Committee will be updated on this matter prior to their meeting.

Waste

Appropriate waste storage can be accommodated within the site boundaries.

Health and Wellbeing

There are no health and wellbeing benefits identified.

Other Matters

Members of the public have noted that the application site was previously used for landfill. Environmental Protection have therefore been consulted and note that the development would be located in an area where contamination is suspected. They therefore recommend a condition requiring that investigation works are carried out prior to the commencement of works on site. They also recommend a condition requiring that further details are provided to meet the Council's low emission strategy. If the application were being approved, both of these conditions are considered to be reasonably necessary for the purposes of the application, and could be added.

Members of the public have also raised concerns regarding the impact of the proposed development on the sewerage system. This would be a matter for Building Control and cannot be assessed as part of this application.

CONCLUSION

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

REFUSAL REASONS

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

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

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

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

Planning Committee: 29 January 2019

Item Number: 7

Application No: [W 18 / 1811](#)

Town/Parish Council: Budbrooke
Case Officer: Lucy Hammond
01926 456534 lucy.hammond@warwickdc.gov.uk

Registration Date: 20/09/18

Expiry Date: 20/12/18

Land South of Lloyd Close, Hampton Magna, Budbrooke

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

This application is being presented to Committee due to the number of objections and an objection from the Parish Council having been received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed at the end of this report and a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, sustainable travel packs, health care, improvements to public rights of way, sport and leisure, air quality and biodiversity offsetting.

Should a satisfactory Section 106 Agreement not have been completed by 28 February 2019, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

DETAILS OF THE DEVELOPMENT

This is an outline planning application, with all matters reserved except for access, for the erection of up to 131 dwellings, on an allocated site (H51) in the Local Plan. Approval is sought, as part of this application, for a vehicular/pedestrian access from Daly Avenue and a secondary access (emergency access only) onto Mayne Close. The proposals also include the associated green infrastructure including children's play area, other open space and landscaping, sustainable urban drainage features and other associated infrastructure.

A pedestrian access from Mayne Close already exists as part of the public right of way. Similarly, there is already an informal pedestrian access from Minster Close. Other matters such as scale, housing mix and landscape are reserved for subsequent approval.

The main elements to the proposed development are set out below:

- Residential development of up to 131 dwellings, of varying sizes
- 40% of the units would be affordable
- Vehicular access would be taken off Daly Avenue in the form of a priority junction with a secondary (emergency) access taken from Mayne Close
- The green infrastructure/open space extends to 3.61ha (about 45% of the red line application site) – this includes a play area, footpaths, structural planting, sustainable drainage features and other landscaping.
- Biodiversity enhancements are proposed
- It is intended that the green infrastructure would be managed by a management company
- Other infrastructure is also proposed, including a foul water pumping station.

It is noted that the red line application site area covers an area larger than that which is shown on the policy map for the allocated site (H51). The indicative layout plan submitted illustrates that a small strip of the open space would extend beyond the boundary of the allocation to the south while all of the SUD's would extend beyond the boundary of the allocation to the east.

THE SITE AND ITS LOCATION

The application site extends to approximately 6.97 hectares (17.23 acres) within a larger field located on the south-eastern periphery of Hampton Magna. The site is an arable agricultural field bounded by mature hedgerows which are interspersed with hedgerow trees. The agricultural access to the field is from the adjoining fields however there are pedestrian accesses from several of the surrounding cul-de-sacs.

On the north and west sides of the site is existing two storey residential development. Along part of the western and northern boundaries is a public right of way (WS4). A further public right of way crosses to the south of the application site within the remainder of the field. Part of the eastern site boundary is defined by an existing field hedge while to the south is agricultural land.

There is a gradual downward slope running west to east across the site. Outside the site the land is slightly undulating to the south and east across adjoining fields.

Hampton Magna is identified in the Local Plan as one of the District's Growth Villages. It contains local facilities and services which meet the day to day needs of the local community including a convenience store, public house, medical centre, community hall, café and primary school. All these facilities are generally between 400 and 600 metres from the site. Access to both Warwick and Leamington Spa, where there are greater employment opportunities, can be achieved by cycle, bus and railway. Warwick Parkway rail station is approximately 1.5km from the site and the nearest bus stop is approximately 300 metres away.

The site makes up site allocation H51 in the Warwick District Local Plan 2011-2029. Policy DS11 identifies this as one of the Growth Villages allocations and it is anticipated it will be developed for 115 dwellings. The Inspector's Report (July

2017) on the Local Plan, in considering this site, stated that development of this site would also involve an extension of the built up area into surrounding countryside, removing the current openness of the land and significantly altering its character and appearance. However, the development would not extend further south or east than adjoining residential areas and would be seen in this context.

The Inspector's Report concluded that there were exceptional circumstances which justified altering the Green Belt. To that end, and in order to facilitate development coming forward on this allocated site, the land within the identified site allocation boundary was removed from the West Midlands Green Belt. The surrounding land however, i.e. the adjoining land on the eastern and southern boundaries, remains in the Green Belt.

There is a TPO tree near the south west corner of the application site, situated on the boundary. There are no heritage assets or other landscape designations relevant to the site or immediate surroundings.

PLANNING HISTORY

W/17/2387 - Outline application with all matters reserved except for access, for the erection of up to 147 dwellings together with vehicular/pedestrian access from Daly Avenue; Green Infrastructure including a play area, other open space and landscaping; sustainable drainage; and other related infrastructure - Refused 11 June 2018

The above application, for the same nature of development but with additional dwellings proposed, was refused for four reasons summarised below:-

1. the indicative plans and supporting information did not adequately demonstrate how the site could accommodate the scale of development proposed, or how the development would harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use;
2. no secondary access was provided as part of the development leading to highway safety concerns;
3. insufficient information had been provided to demonstrate that the development would not have an adverse impact on protected species; and
4. there was no S.106 agreement in place to secure the necessary obligations to mitigate the impacts of the development.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)

- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Open Space (Supplementary Planning Document - June 2009)
- Parking Standards (Supplementary Planning Document)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- LES - Low Emission Strategy Guidance for Developers (April 2014)
- Garden Towns, Villages and Suburbs Design Guidance (2012)
- Neighbourhood Plan
- Budbrooke Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Budbrooke Parish Council: Objection for the following reasons (summarised by case officer):

- Serious concern about traffic and highway safety impacts of the development; principally:
 - an assessment of the surrounding road network should be made, including the minor roads not just the main roads,
 - the cumulative impacts of this development and other sites should be considered,
 - a summary of traffic counts and surveys undertaken over the years demonstrates the inadequacies of the proposal,

- reference is made to the recently made Budbrooke NDP (including parking provision requirements set out therein) and it is considered that insufficient regard has been had to its contents,
- there is a high dependency on car usage among Budbrooke residents,
- bus services have been reduced in recent years,
- increased number of units (i.e. anything over 115) makes this an unacceptable form of development for which there is insufficient mitigation,
- there is concern over the content of the applicant's supporting information,
- some of the claims made by the applicants are questionable when considered against some of the statements above,
- the internal road network of Hampton Magna is inadequate and should be upgraded to address the increased volume of traffic issues,
- there is concern for the safety of residents and school pupils at Cherry Lane/Slade Hill/Field Barn Road bottleneck,
- additional through traffic in Hampton Magna and Hampton on the Hill will exceed levels required for a safe neighbourhood,
- a temporary haulage road for construction traffic should be a pre-commencement condition,
- a construction management plan should be required,
- an independent traffic assessment should be carried out,
- Other concerns (not linked to highway safety) include surface water drainage; the developer's assessment seems weak as the site has a propensity to retain surface water even in average rainfall,
- There are concerns about some of the utilities to be provided to the site,
- How will the site and the dwellings' demand for water impact on the rest of Hampton Magna,
- Concerns about existing foul water drainage system and how it will cope with the additional dwellings,
- Concern about the position of the Daly Avenue access and how this relates to properties opposite where there is limited visibility,
- The proposed arrangements for secondary access are inadequate,
- The Medical Centre has already stated it would have great difficulty in taking on any new patients,
- Criticism of the Statement of Community Involvement as there was not as much public consultation undertaken by the applicants as there was when the Budbrooke NDP was going through the process,
- Request made for possible financial contribution for improvements to the Community Cafe which is almost adjacent to the Medical Centre for which there is a S.106 request from the relevant statutory consultee.

Housing Strategy & Development Manager: No objection in principle; comments provided on tenure, size and type and a reference made to the absence of affordable bungalows which will need to be considered in any subsequent Reserved Matters submission

Environmental Health: No objection subject to recommended conditions

Open Space team: No objection subject to S.106 obligations (and financial contribution where applicable)

Waste Management team: No objection

Policy Team: No objection subject to inclusion in the S.106 agreement of a clause requiring a Local Labour Agreement

WCC Highways: No objection subject to recommended conditions and S.106 obligations and financial contributions to bus and cycle way infrastructure and improvements

WCC Education: No objection subject to S.106 obligations and financial contributions

WCC Libraries: No objection subject to S.106 obligations and financial contributions

WCC Road Safety team: No objection subject to S.106 obligations and financial contributions

WCC Ecology: No objection subject to recommended conditions and S.106 obligations (and financial contribution where applicable)

WCC Archaeology: No objection subject to recommended condition

WCC Public Rights of Way team: No objection subject to S.106 contribution

WCC Fire Services: No objection subject to recommended condition

WCC Public Health: No objection

Lead Local Flood Authority: No objection subject to recommended conditions

Severn Trent Water: No objection; advisory notes recommended

Indoor & Outdoor Sports: No objection subject to S.106 contributions

Doctor's (CCG): No objection subject to S.106 contributions

NHS (SWFT): No objection subject to S.106 contributions

Police: No objection

Natural England: No comments to make

Public Response: 124 letters of objection received raising the following material planning considerations (summarised by case officer):

- significant highway safety concerns about existing congestion and increased volumes of traffic resulting from the proposed development;
- the proposal is for more than 115 dwellings identified for this site in the Local Plan;
- the schools cannot take any additional pressure;
- the doctors are already stretched and cannot take any additional patients;

- Hampton Magna is a village which is not capable of any further growth so other locations should be considered;
- it would be detrimental to residential amenity;
- it would be detrimental to visual amenity;
- there is concern about noise and smells;
- there would be adverse impacts on protected trees;
- loss of privacy and overlooking;
- harm to pedestrians and cyclists;
- too dense a form of development;
- destruction of wildlife habitats;
- lack of open space for people to walk;
- loss of outlook for existing dwellings;
- detracting from original 'village' character;
- concern about protected species (bats);
- impact on air quality;
- concern about foul water drainage and existing capacity;
- concern about increased need for parking provision;
- concern as to whether previous reasons for refusal have been addressed;
- intrinsic character of village and sense of community will be lost;
- destruction of the Green Belt;
- loss of hedgerows;
- public footpath would be affected;
- there is a change in levels between Mayne Close and the field; how will this be addressed for the access?
- some green space is still outside the allocated boundary;
- concern about land contamination;
- concern about waste management;
- little has changed since the original (refused) scheme;
- outline application is scant on details;
- concern over the safety of children walking/cycling to school;
- suggested play area is of limited value and does not complement others in the village;
- this site should be considered having regard to the cumulative impacts of this and other development sites;
- concern about public transport, especially the No.68 bus service which has already been reduced and is reported to be ceased altogether;
- concern about added pressure on the hospital;
- Budbrooke NDP sets out a desire for self build options which is not mentioned in the applicant's planning statement;
- impact on the rural landscape; and
- inadequate emergency services to Hampton Magna.

Other non-material planning considerations were also raised, for example:

- concern about subsidence;
- there was a lack of community engagement before the application was submitted;
- loss of views;
- supply of electricity to properties; and
- increase in housing leads to concern about winter weather conditions, icy roads and a lack of road gritting in the village.

3 general comments letters received making following comments:

- little seems to have changed since the last application;
- concern about existing drainage and water supplies in the village;
- will there be any affordable bungalows for existing residents wishing to downsize;
- concern about congestion, highway safety, access and parking issues; and
- concern about village infrastructure and impacts of development

Other comments received:

- St Michael's Church has a strong foundation in the community and has operated The Open Door as a cafe and hub for nearly 20 years; there is a partnership with Budbrooke Surgery which is looking to develop a programme which will involve a range of activities and support groups for vulnerable people;
- the partnership has looked into redeveloping and sharing the present cafe building and transforming it into a multi-purpose hub;
- the hub would provide the doctor's surgery with a meeting space, make more community meeting rooms available and continue the cafe drop-in space for the existing work of the cafe but with enhanced facilities including a disabled toilet; and
- to achieve these proposals, a financial contribution of £25,000 is requested

Officer note - the above comments are acknowledged and the proposals are considered reasonable and if delivered, would facilitate a great community benefit. In terms of CIL compliance however, there is limited justification for such a financial contribution to be secured as part of the S.106 agreement but the scheme overall is CIL liable and to that end there would be CIL monies, separate to any S.106 obligations, which could, in principle, be used to achieve the proposals set out above. In this case, Budbrooke has a recently made Neighbourhood Development Plan which would ensure a potentially substantial amount of CIL monies and it would be greatly advantageous if the Parish Council could have regard to this when considering how to spend any monies received as part of the CIL process.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- principle of development;
- impact on the character and appearance of the area, including impact on the Green Belt;
- impact on the living conditions of neighbouring dwellings;
- provision of appropriate living environment for future occupants of the proposed development;
- car parking and highway safety;
- housing mix; drainage and flood risk;
- open space;
- ecological impact;
- health and wellbeing;
- the number of dwellings proposed relative to the allocation; and
- section 106 contributions.

Principle of development

The principle of development is twofold, given that the proposal extends, in part, beyond the boundary of the allocated site into the adjoining countryside which, unlike the allocation itself, has not been removed from the West Midlands Green Belt. These two primary matters of principle are considered in turn below.

The allocated site (H51)

The application site is one of the allocated sites (H51) set out in Policy DS11 of the Warwick District Local Plan 2011-2029. Site H51, identified on the Policies Map, relates to Hampton Magna with an estimated figure for the number of dwellings shown as 115. The policy states within the explanatory text (at 2.51) that for village allocations, the majority of the village housing allocations are located on the edge of the existing limits to the built up areas of the village.

The proposals seek outline permission, with all matters reserved except for access, for the construction of up to 131 dwellings. Approval is also sought at this time for vehicle access off Daly Avenue together with an emergency, secondary access off Mayne Close. The application includes the appropriate associated infrastructure, including areas of open space and SUD's features.

In accordance with the provisions of Policy DS11 and having regard to the fact this is one of the District's allocated sites for housing development, the proposals are considered acceptable in principle subject to an assessment being made of the other relevant considerations which are set out below.

Whether the development constitutes appropriate development in the Green Belt

For the aspects of development which are proposed outside of the boundaries of the allocated site, principally, the SUD's features to the east and a small additional strip of open space to the south, these works are proposed in land which is still designated as Green Belt.

Policy DS18 of the Local Plan states that the Council will apply national planning policy to proposals within the Green Belt. Paragraph 145 of the NPPF states that the construction of new buildings is inappropriate in the Green Belt but lists exceptions to this in six bullet points which follow under paragraph 145. Although none of the proposed development fits within the exceptions listed at para.145, the following paragraph states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Such exceptions include, amongst other things, engineering operations.

The provision of SUD's to the east of the allocation, albeit in adjoining agricultural land which is still designated Green Belt land, is considered to be an engineering operation that would neither harm the openness of the Green Belt nor conflict with the purposes of including land within it.

The provision of some of the open space to the south of the allocation, also in adjoining agricultural land which is still within the Green Belt, is considered to be an appropriate form of development in the Green Belt on the basis that it would

provide appropriate facilities for outdoor sport, outdoor recreation, and would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

There are several examples of appeal decisions, including High Court judgements, where similar types of development have been tested against Green Belt policy. The conclusions drawn generally concur with the view that both the above types of development, namely, the provision of open space and SUD's features, constitute appropriate forms of development in the Green Belt. As such, the submission of very special circumstances are not required and it falls to assess whether or not there would be any material harm caused by the proposals when considered cumulatively that would justify a refusal of planning permission.

Overall, having regard to the twofold principle of development as set out above, the overall conclusion is that the principle of residential development on this site is acceptable. This has particular regard to the fact the site is one of the Local Plan's allocated sites for housing and the development proposed beyond the allocation boundary represents appropriate development in the Green Belt. The conclusion on the principle of development is subject to an assessment being made of the other relevant material considerations which are set out below.

Impact on the character and appearance of the area including impact on the Green Belt

Policy BE1 of the Warwick District Local Plan 2011-2029 expects new development to positively contribute to the character and quality of its environment through good layout and design and specifies certain criteria to which any development proposal should have sufficient regard. Policy NE4 requires new development to positively contribute to landscape character, citing specific criteria to which any proposal must have regard.

Although the application is only made in outline, with all matters reserved for subsequent approval besides access, an indicative layout plan has been submitted illustrating how the development could be laid out. This plan has been revised following the refusal of the first application on this site and appears to respond to the points of concern previously raised. The indicative layout is materially different to that which was illustrated in the first submission and now depicts a less dense form of built development being provided within the site which is predominantly arranged around a central area of open space. There are improved areas of landscaping around the perimeters of the site and the area of open space to the south would provide an appropriate buffer to the southern edge of development which adjoins the neighbouring open countryside.

The indicative layout demonstrates that across the development, the minimum separation distances required between dwellings is satisfied and in some cases, exceeded, ensuring that adequate levels of amenity and privacy would be afforded to occupants of the new dwellings.

The indicative layout plan shows very limited amounts of frontage parking, with the majority of parking positioned to the side of dwellings or driveways to the frontages of dwellings. This amendment to the indicative layout addresses

another concern from the first submission where a substantial amount of frontage parking was illustrated which is not generally supported having regard to the Council's design guidance including the Garden Towns, Villages and Suburbs Design Guidance. The indicative layout now illustrates that a suitable layout could be provided which would not be dominated by car parking, and improved separation between dwellings would provide an overall sense of spaciousness across the development.

The proposed density, based on the indicative layout plan, (and within the extent of the allocation boundary, i.e. not including the SUD's area) would be 24 dwellings per hectare. This is broadly comparable with the adjacent development in the village.

Overall, it is considered that the illustrative layout plan demonstrates that a suitable form of built development could be accommodated within the site that would have regard to the key design principles against which development is assessed. The reduced number of dwellings within the development has a further positive impact insofar as separation distances and car parking provision is concerned. The site could be adequately landscaped and the area of SUDs to the east which is appropriate development in the Green Belt, would result in no visual harm to the character of the surrounding area.

The development is therefore considered to harmonise with the existing settlement in terms of physical form, patterns of movement and land use; and accordingly the development is considered to comply with the provisions of Policies BE1 & NE4 of the Local Plan.

Impact on the living conditions of neighbouring dwellings

The application is made in outline with only an indicative layout plan demonstrating how the dwellings could be laid out within the site. The position of the site and its relationships to the nearest existing residential properties is such that it would be possible to achieve a suitable layout that would not result in harm to the amenity of existing neighbours by reason of overbearing, overlooking or overshadowing.

No objections have been raised by Environmental Health (EHO) and conditions have been recommended to mitigate against any impacts arising from the construction of the development.

In view of the fact this is an outline application it is considered that a suitable layout could be designed to minimise any impacts on the amenity of existing residential properties. Together with the recommended conditions of the EHO, it is considered that there would be no adverse harm caused by reason of noise, construction impacts or general disturbance.

For the above reasons the proposals are considered to be acceptable in respect of the living conditions of neighbouring dwellings and accordingly the development complies with Policy BE3 of the Local Plan.

Provision of appropriate living environment for future occupiers of the proposed development

The indicative layout plan submitted illustrates a form of development which contains satisfactory distance separation between dwellings, and in some cases, distances in excess of the minimum standards.

A noise assessment was not undertaken for the whole site however, the Environmental Health officer (EHO) considers the development is likely to be affected by road traffic noise from the A46, which is approximately 600m east of the eastern site boundary. A condition would therefore be recommended in the event planning permission were forthcoming requiring the layout and orientation of dwellings closest to the A46 to be subject to review until a noise assessment is agreed with the local authority.

In terms of possible benefits of the scheme, the indicative layout plan illustrates areas of open space centrally within the development and to the southern and eastern edges of the site. These would provide good opportunities for enhanced public amenity and areas of open space for the enjoyment of future occupants.

Overall, given the site area and the scale of development anticipated for the site in the Local Plan, it is possible to achieve a suitable layout that would provide appropriate standards of living environment for future occupiers. Accordingly, the development complies with Policy BE1 of the Local Plan.

Car parking and highway safety

The development proposals include a new vehicular access off Daly Avenue to the north of the site. This would be a priority junction and would be the primary point of access and egress to and from the development. The internal road layout, whilst only indicative, would provide access to the rest of the development in a circular route, around a central area of green space, where clusters of dwellings are laid out around the circular route.

While the proposal is for up to 131 dwellings, i.e. less than 150, regard has been had to the existing cul-de-sac network of Woodway Avenue, Daly Avenue and the other closes off them, which currently serves more than 100 units already from the single access point, namely the junction of Woodway Avenue with Cherry Lane/Slade Hill. If the proposed development of up to 131 dwellings is added to this, the maximum number of units allowed off a single access would be far exceeded. In the absence of a secondary access, the previous submission was refused and in order to address this, this revised scheme now proposes a secondary access onto Mayne Close to the west of the site. This is intended as an emergency access and would also be retained as a pedestrian access.

It is important to acknowledge that the applicant's submitted Transport Assessment has considered the cumulative impacts and this is accepted by the Highways Authority, who have confirmed that no additional modelling work would need to be undertaken since it has been confirmed that the secondary access is for emergency access rather than a secondary vehicle access to the site. The content of the survey work carried out to date therefore is sufficient.

In terms of car parking, this would be a matter reserved for subsequent approval through the detailed design and layout stage. The indicative layout does however illustrate a predominance of parking to the sides of dwellings, or on private driveways in front of dwellings which accords with the Council's design guidance and general approach to parking provision. In this respect, the development is considered to accord with Policies TR3 and BE1.

In terms of the vehicle access and the impacts on highway safety, no objection is raised to the development which is considered to accord with Policy TR1 of the Local Plan.

Housing mix

As this is an outline application, exact housing mix is not currently known. The Housing Strategy and Development Manager welcomes the commitment from the applicant to provide 40% of the units as affordable, which, if the total number of units were 131 would equate to 52. Recommended tenures, sizes and type are set out which would accord with the most up to date SHMA and associated guidance on housing mix. This would be for further detailed consideration at the point at which the reserved matters application is received but one point which has been raised as a potential concern, which would need to be addressed in any forthcoming reserved matters submission, is the absence of any affordable bungalows which would need to be included in the subsequent detailed proposals.

Overall, it is considered that a suitable scheme could be developed which would provide the requisite amount of affordable housing as well as the required tenures, size and types. The provision of affordable housing would be secured in the S.106 agreement.

Drainage and flood risk

Although the site is in Flood Zone 1, a Flood Risk Assessment has been submitted with the application. SUD's are proposed to the east side of the site, where the ground levels are at their lowest, which would deal with surface water, while foul water would be discharged to the existing sewer which is proposed to be re-aligned to accommodate the development.

The Lead Local Flood Authority (LLFA) has raised no objection and recommended conditions. Subject to such conditions being imposed on any forthcoming permission, there is no objection from a drainage and flood risk point of view and the development is therefore considered to be acceptable in this regard.

Overall, the development is considered to be acceptable in accordance with Policies FW1 and FW2.

Open space

The indicative layout plan illustrates that a swathe of open space would be located along the southern and eastern edges of the site as well as there being a central area of open space around which much of the development is arranged.

The physical area of SUD's to the east would not be classed as useable open space although there is additional open space to the east of it.

Parts of the open space and all of the SUD's extend beyond the boundary of the allocated site as identified on the Policies Map. The Open Space team has considered the general provision of open space for the development and set out the required types and quantities of public open space (POS) based on an indicative housing mix as per the applicant's LVIA. In total, 2.17ha of POS would be required and the applicant's land use plan advises they will provide 3.16ha broken down into amenity green space, parks and gardens, natural areas, attenuation and children youth. While the amount proposed may exceed that which is required, allotments were originally missing from the proposals and for a development of this size it is expected that allotments will be accommodated on site.

Revised plans have since been received to address this and the Open Space team has confirmed that the scheme is now acceptable from a POS point of view. Subject to the usual clauses within the S.106 regarding the areas of open space and the SUD's it is considered that the development is acceptable in this regard.

Ecological impacts

Ecological appraisals and other technical supporting documents have been submitted with the application in respect of protected species and other ecological features. This responds to one of the previous reasons for refusal which related to the fact that insufficient information had been received to satisfy the County Ecologist that the development would not be detrimental to protected species and other features of ecological importance.

In light of the additional work that has been undertaken by the applicant in this regard and the BIA calculations having also been revised accordingly, there are no longer any objections to the development in this regard subject to the imposition of standard conditions requiring the submission of further information prior to any reserved matters submissions being made.

The S.106 agreement will also contain relevant provisions to ensure that the necessary biodiversity offsetting for the creation of 2.27 units is secured accordingly.

For these reasons, the development is considered to be acceptable in this regard and therefore in accordance with the provisions of Policy NE2 of the Local Plan.

Health and wellbeing

The proposals would provide housing to meet the housing needs of the district, including an element of affordable housing for people in housing need. This is a benefit that contributes to health and well-being. Additionally, the provision of open space would be seen as a positive benefit that could add to the effective layout of the scheme and provide an enhanced environment in which to live for future occupiers. Additionally, the proposals for the new cycle link, as requested by County Highways, which would provide much improved cycle and footpath provisions linking the site and connecting it to Warwick would be a significant

benefit for existing occupants of the village and future occupants of the development. This is considered in more detail below (in the S.106 and 'other matters' sections of this report).

The number of dwellings proposed relative to the allocation

This application proposes up to 131 dwellings; almost a 14% increase over the estimated number for the allocation in the Local Plan. It is acknowledged that the application originally proposed a 28% increase over the allocation but has been amended and reduced accordingly, in response to some of the objections received from local residents.

No objections have been received from the key infrastructure providers in this respect and in light of the responses received from the Highways Authority, Education and Healthcare services, all of whom have requested financial contributions, officers are satisfied that the level of development can be comfortably accommodated within the site and an appropriate level of infrastructure provided in an acceptable manner.

The layout, albeit indicative, positively demonstrates that even with the additional numbers, a high quality development within a landscaped setting can be achieved that would provide desirable living environments in which future occupiers will live.

Other benefits are capable of accruing as a result of the increased number of dwellings proposed relative to those estimated at the time of the allocation. Within the context of the Government objective to significantly boost housing supply, the provision of additional dwellings in a sustainable manner within a high quality development is considered to be a positive outcome which as set out above increases opportunities for the provision of affordable housing and a wider tenure mix in a manner which may not otherwise be the case and in accordance with the relevant policies to suit the housing requirements of a variety of people. While the overall housing mix is not known at present given the outline nature of the application, it is envisaged that any forthcoming reserved matters submission will suitably reflect the policy requirements of Policy H4, the needs identified in the Neighbourhood Development Plan as well as responding to the wider District's needs.

Section 106 contributions

The applicant has agreed, in principle, to enter into a section 106 agreement to secure the following:

- provision of 40% of the total units proposed as affordable housing;
- the appropriate provision of allotments to serve the development;
- the appropriate provision of open space and SUD's together with associated adoption/management;
- details of a Local Labour Agreement;
- biodiversity offsetting scheme for the creation of 2.27 units;
- a contribution of £370,787.50 towards the construction of the cycleway linking the site to Hampton Road, and the provision of land to deliver the scheme;

- a contribution of £224,000 towards the cost of enhancing the Service 68 bus route to an hourly service and extend/divert the route to serve the new development (over a 5 year period);
- a contribution of £9,825 towards sustainability packs;
- a contribution of £1,103,745 towards education (broken down as follows:- £550,830 for primary education / £511,500 for secondary education / £19,365 for primary SEN / £22,050 for secondary and Post-16 SEN);
- a contribution of £51,500 towards the improvement and/or extension of Budbrooke Medical Centre;
- a contribution of £150,761.52 towards acute and community healthcare (hospitals);
- a contribution of £108,855 towards indoor sports facilities;
- a contribution of £8,412 towards outdoor sports facilities;
- a contribution of £6,527 towards improvements to public rights of way within a 1.5 mile radius of the site;
- a contribution of £2,867 towards libraries;
- S.106 monitoring fee of £30,000 or 1% of the total contributions (whichever is the lesser)

The proposed financial contributions are in accordance with the requests from the various consultees in relation to the relevant services. It is considered that these contributions will ensure that all relevant services and infrastructure can be provided to serve the level of development proposed at the site in an appropriate manner.

It should be noted that some of the above figures quoted are currently being reviewed and it is anticipated that by the time of the committee meeting, there will be further updates confirming the final position in terms of final figures and purposes, where any modifications have been made. This is of particular relevance to the responses from County Highways, County Education and the NHS.

Other matters

County Highways request for cycleway linking the site to Hampton Road

The County Highways Authority is keen to promote cycling infrastructure and the provision of a link from the south part of the site to Hampton Road. It is understood that the landowner is willing to enter into a transfer agreement to make the land available for this purpose but the Highways Authority must ensure that sufficient monetary contribution can be secured to deliver the construction of the scheme. It is therefore still necessary for additional S.106 contributions to be secured from this site. As the deliverability of other schemes nearby is not certain at the time of writing this report the maximum sum of £741,575 has been requested by the Highways Authority, who accepts that this figure could be significantly reduced should other permissions be granted with contributions secured in the same way.

In officers' opinion, the proposal for the cycleway link is considered to be justified, reasonable and CIL compliant, however, it is not considered reasonable for the applicant of this proposal to fund the entirety of the scheme unless and until the outcome of the other allocated site's development proposal is determined. Officers therefore consider the financial contribution requested by

the Highways Authority should be split in a fair and proportionate way. Whilst the figure outlined above in the S.106 list suggests that this applicant would be responsible for paying half the amount, this is currently under review pending further comments from the Highways Authority and it is anticipated that any further comments/modifications to the draft S.106 will be reported to the planning committee via the updates sheet.

Budbrooke Neighbourhood Development Plan

Budbrooke's NDP was made in April 2018 and as such forms part of the Development Plan. It therefore carries full weight in the decision making process. In considering this development proposal, particular regard has been had to Policy BNDP5 'Development Principles - Housing Allocations H27 and H51'. The latter site refers to the application site before Members. The purpose of this policy in the NDP is to support proposals for the allocated site where they address specified design principles in a sensitive fashion. The considerations set out within the policy relate to density, traffic, layout, design, affordable housing and self-build.

Density has been considered earlier in this report and at 24 dwellings per hectare this is considered relatively low and comparable with surrounding densities and built development. Traffic implications have been considered in detail above and there are no objections from the County Highways Authority. In terms of any internal road layouts, this would be reserved for the subsequent reserved matters submission and is therefore not for consideration at this time.

Similarly, issues of layout and design are also not for consideration as part of this application and will be considered when any future reserved matters applications are submitted. It is however considered, for the reasons set out earlier within this report, that the indicative layout demonstrates that a suitable layout and design for the development could be achieved that would accord with the relevant policies and design guidance.

The provision of affordable housing will be secured through the S.106 agreement and in terms of self-build, the NDP states that proposals for self-build will be supported. It is not a policy requirement for the allocated site to incorporate or deliver self-build units.

Overall, in light of the outline nature of the application and the fact that the detail of the development in terms of layout, design etc will be reserved for future application submissions, it is considered that the development is not contrary to the relevant provisions of the NDP and the development is therefore acceptable in this regard.

Impact on TPO tree

There is a single oak covered by a TPO, located on the boundary of the site towards the south western corner. The indicative layout illustrates that the part of the site in closest proximity to the tree would be the rear gardens of individual dwellings. Given this is an outline application the layout is reserved for future approval under a forthcoming reserved matters application. To that end, officers consider a suitable layout can be designed to avoid any impact on the protected tree.

Land contamination

With regard to contamination, a desk study assessment of the site was submitted with the application. Environmental Health have no objection to the principle of development, but have recommended a condition to require a site investigation and details of remediation measures to be submitted for approval. Subject to this condition, the proposals are considered to be acceptable from a contamination point of view.

Air quality

In respect of air pollution, Environmental Health have recommended a condition which accords with the requirements of the relevant Low Emissions Strategy guidance document. A development of this scale would also be likely to incur a financial contribution request which would be put towards air quality improvement measures. It is considered that this would satisfactorily mitigate the impact of the proposals in relation to air quality.

Archaeology

Further to the initial comments of the County Archaeologist, additional work has been carried out and it is anticipated that the final report in this respect will be provided before the date of the committee. Assuming the final report forms part of the application documents the recommended condition can be updated to require the specified works set out in the report to be carried out accordingly.

Public rights of way

There is a public footpath to the south and east of the site and there are opportunities for the development to provide links through to this to promote improved circulation and ease of access through/to the site for future occupiers.

CIL

The proposals are CIL liable and the amount to be paid would be calculated following the determination of the application in the event permission was forthcoming.

SUMMARY/CONCLUSION

The development of this allocated site (H51) for the construction of up to 131 dwellings including an access off Daly Avenue and an emergency access off Mayne Close, together with the necessary infrastructure and associated works, (provision of open spaces and SUD's) is considered to be acceptable in principle in accordance with Local Plan Policy DS11. The provision of open space and SUD's beyond the boundary of the allocated site, in adjoining agricultural land which is still within the West Midlands Green Belt constitutes appropriate development in the Green Belt in accordance with Policy DS18 and paragraphs 145 and 146 of the NPPF.

Although this application is made in outline with only access forming part of the detail for which permission is sought at this stage, an assessment has been made of the impacts of the development as indicatively shown on the illustrative layout plan submitted with the application. Officers are satisfied that the site is capable of accommodating the proposed scale of development and a suitable layout which accords with the relevant design principles and other supplementary guidance and which provides the required housing mix could be

achieved without resulting in demonstrable harm to the amenity of existing neighbouring dwellings, or the amenity of future occupants of the development itself.

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

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

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

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

CONDITIONS

- 1 Details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **REASON:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).
- 2 Application for approval of the reserved matters shall be made to the local planning authority 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 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 planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

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

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

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

This should be approved in writing by the planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved
3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.
4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.'

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

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

- Any temporary measures required to manage traffic during construction
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
- Dust management and suppression measures – level of mitigation determined using IAQM guidance
- Wheel washing
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2
- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
 - o Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
 - o Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

REASON: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR3 and NE5 of the Warwick District Local Plan 2011-2029.

- 6 The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, 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) and Policy NE2 of the Warwick District Local Plan 2011-2029.

- 7 No part of the development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan.
- 8 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029.
- 9 No part of the development hereby permitted shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Where flooding occurs onsite to store the 1 in 100 year climate change event details should be provided of the storage capacity required outside of the proposed formal drainage system. Details of the depths and locations of flooding should also be provided to the LLFA where the depths may be unsafe Hazard mapping may be required to ensure the development remains safe to users of the site
 - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in

- 100 year and 1 in 100 year plus climate change return periods.
- Provide evidence that the watercourse is in sufficient condition to convey flows from the development.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

- 10 No part of the development hereby permitted shall commence until the programme of archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the CgMs Consulting document 'Archaeological Written Scheme of Investigation for Archaeological Mitigation. Land South of Lloyd Close, Hampton Magna, Budbrooke, Warwickshire' has been undertaken. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy HE4 of the Warwick District Local Plan 2011-2029.
- 11 The development hereby permitted shall not be occupied unless and until the emergency access has been provided between the site and Mayne Close in accordance with the details shown on submitted plan number 008 'Mayne Close Site Access with swept path analysis'. **REASON:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 12 No part of the development hereby permitted shall be occupied unless and until the estate roads (including footways and cycleways) serving it have been laid out and substantially constructed to the satisfaction of the Highways Authority in accordance with the details approved in writing by the Local Planning Authority in conjunction with Warwickshire County Council Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 13 Prior to the submission of any reserved matters application, a Low Emission Strategy for that phase which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) shall be submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

- 14 Prior to the submission of any reserved matters application, a scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To protect residents of the development from the adverse effects of traffic noise from the outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029.
- 15 No development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter. **REASON:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029.
- 16 No development shall be carried out above slab level unless and until details of all external light fittings and external light columns have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the District Planning Authority expects lighting to be restricted across ponds and semi-improved grassland and trees/hedgerows and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
- Lighting should be directed away from vegetated areas
 - Lighting should be shielded to avoid spillage onto vegetated areas
 - The brightness of lights should be as low as legally possible
 - Lighting should be timed to provide some dark periods
 - Connections to areas important for foraging should contain unlit stretches
- REASON:** In accordance with NPPF and Policies BE1 and NE2 of the Warwick District Local Plan 2011-2029.
- 17 The development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **REASON:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029.

- 18 The development hereby permitted shall not be occupied until a detailed maintenance plan is implemented and provided to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. **REASON:** To ensure the future maintenance of the sustainable drainage structures in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029.
- 19 The layout of the estate roads serving the development (including footways, cycleways, verges, footpaths and private drives) shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 20 The construction of the estate roads serving the development (including footways, cycleways, verges and footpaths) shall not be other than in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 21 No part of the development hereby permitted shall be occupied unless and until enhanced bus stops on Chichester Lane have been provided to serve the development, in accordance with details which will have been first submitted to and approved in writing by the Local Planning Authority in conjunction with the County Highways Authority. **REASON:** In the interest of highway safety and in order to promote sustainable modes of travel in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
- 22 The development permitted by this planning permission shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) *Report Ref: 22356/10-17/5010 Rev C August 2018* and in particular the following mitigation measures detailed within the FRA:
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 9.5 l/s for the site.
 - Provide provision of surface water attenuation storage as stated within the FRA of 2250m³ in accordance with '*Science Report SC030219 Rainfall Management for Developments*'.
 - Surface water is to be provided via a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing and phasing arrangements embodied within the scheme.
- REASON:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

- 23 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.
- 24 The existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally planted . All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
25. The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date SHMA. **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 and the NPPF.
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Planning Committee: 29 January 2019

Item Number: 8

Application No: [W 18 / 1929](#)

Town/Parish Council: Leamington Spa
Case Officer: Andrew Thompson

Registration Date: 13/11/18

Expiry Date: 08/01/19

01926 456539 andrew.thompson2@warwickdc.gov.uk

49 High Street, Leamington Spa, CV31 1LN

Alterations and extension to form a hostel (Use Class Sui Generis) FOR Warwick District Council

The application is brought to Planning Committee as the application is submitted on behalf of the Council.

RECOMMENDATION

That planning permission be GRANTED subject to conditions

DETAILS OF THE DEVELOPMENT

The application seeks conversion of an existing two storey building from a club to a hostel for the homeless which fronts onto Packington Place Car Park. The proposal also includes the rebuilding of an existing side extension and replacement of a walled area with a two storey extension. There would be a reformatting of the existing frontage service area (currently under yellow boxed paint) and pay and display car parking.

The facility would include management and consulting rooms, sleeping accommodation on the first floor and dining facilities aimed at assisting homeless people.

The application is supported by a Heritage Statement, Design and Access Statement and Flood Risk Assessment.

THE SITE AND ITS LOCATION

The application property is a white painted brick building and is located within the Packington Place Car Park and is accessed from the car park. There is a walk thru to the High Street.

Properties surrounding the building and the car park are a mix of residential and commercial properties with a range of heights, styles and ages. Many properties are taller than the application property, being three and four storeys in height. Tall brick walls surround the car park as boundary treatment.

The application site is located within Flood Zone 2 and in Leamington Conservation Area. The property is not listed.

PLANNING HISTORY

There has been no recent or relevant planning history associated with the building which appears to have been vacant for a period of time.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

SUMMARY OF REPRESENTATIONS

Leamington Town Council - Support the proposal and welcomes the provision of the hostel.

Warwickshire County Council - Object to the loss of car parking.

Environmental Health - This application would create a 5 bed dormitory style HMO. If this were to be operated other than by WDC or a registered social landlord, potentially it could fall under HMO licensing. The Council's space and amenity standards do not specifically set space standards for dormitory style accommodation. However, the 5 bed dormitory appears to offer reasonable space given the purpose of the accommodation for short term stays.

Lead Local Flood Authority - No objection subject to a condition.

WM Police - The development must incorporate security measures in accordance with Approved Document Q and BS 5489:2013.

Local residents - 2 letters of objection and 1 letter of support have been received to the consultation. In objection the following grounds were highlighted:

- insufficient information on the plans and documentation about the development and management
- loss of light from the proposed extension
- fear of crime and anti-social behaviour.
- There is no feasibility study or any evidence to support that the change of use and the extension will add to the overall quality of the area for the lifetime of the development or meet its intended purpose.

In support the following comments were received:

- it will address one of the most pressing problems confronting our town (that of rough sleeping) and
- it will bring a long standing derelict building back into use.

ASSESSMENT

The key determining issues are:

- The Principle of Development
- Heritage and the Character of the Area
- The impact on neighbouring properties
- Flood Risk
- Highways and the loss of car parking.

The Principle of Development

Policy DS5 of the Warwick District Local Plan and the National Planning Policy Framework requires consideration of the principles of sustainable development and the application site is located in a sustainable location within the town centre and well located to take advantage of public transport and the services in the vicinity. The proposal would bring an empty building back into active use and provide a social benefit from the services it offers to the homeless community.

Heritage and the Character of the Area

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires Local Authorities to preserve and enhance the character of Conservation Areas. Policies HE1 and HE2 of the Warwick District Local Plan have similar aims and Policy BE1 of the Local Plan also requires assessment of the impact on the character of the area in relation to a number of criteria, including the street scene, existing buildings and architectural detail. The policies are supported by the Residential Design Guide which supports Policy BE1. The National Planning Policy Framework also sets out to achieve high quality design, maximise the use of land and assess the impacts of development on heritage assets.

The application property forms an important role to the character of the Conservation Area with the remaining properties backing on to Packington Place Car Park. The Conservation Area however is large and this part of the Conservation Area is defined by the back of house aspect of many of the properties. Its value to the significance of the wider Conservation Area therefore is moderate.

The proposed two storey extension to the side of the property would be set slightly down from the existing ridge line and the proposed frontage single storey extension would replace existing enclosures and brick walls. The extension on to the car parking area would not alter the character of the building and the extensions would appear to be in keeping with the scale and character of the building. The harm to the asset is therefore considered to be less than substantial.

The comments of the Police are noted however their suggestions are covered through Building Regulations regime.

The proposed benefits of bringing the vacant building back into use and the social benefits of the proposed use are therefore considered to outweigh the identified harm to the character of the area.

Overall, the proposals are considered to be in accordance with Policies HE1, HE2 and BE1 of the Local Plan and the aims and objectives of national planning policy and the legislative framework.

The impact on the amenity of neighbouring residents

Policy BE3 of the Local Plan and the supporting Residential Design Guide require developments to have regard to the amenities of local residents and this is supported by the National Planning Policy Framework which states that the level of detail and degree of prescription in a Supplementary Planning Document should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified. The comments of the local residents have been fully and carefully considered. The plans are to scale and clearly show the relationship to neighbouring residential properties.

The existing building on the site has a close relationship to a number of residents with new development also noted in the area. The existing brick wall to the boundary with George Street to the rear is approximately 2.2m high and there are taller walls and boundary treatment in the area. The proposed single storey extension would have a height of 3m to the eaves with a low pitch roof raising this to 3.4m but this would be set away from the boundary. There are no windows in the rear boundary.

With regard to the proposed two storey extension the proposals would replace an existing 1.5 storey extension. The proposals are considered against the bulk and mass of the existing building and the existing extensions. In this context the proposals would not cause significant detriment to the amenities of neighbours. There are no windows in the rear elevation.

Overall having considered the proposed extensions against the existing boundary treatment and the relationship to neighbours it is considered that the proposals would not impact on the amenity of residents.

Whilst a fear of crime is a material planning consideration, it is difficult to quantify and needs to be considered in the context of the proposal and issues specifically arising from the proposal. The proposals are as part of service to be run and managed by LWS Night Shelter as part of the wider homelessness management of the Council particularly in the town centre. There is nothing to suggest that the proposals would increase the level of anti-social behaviour and the proposals would be capable of being effectively managed. Whilst the application states that there are two people at the premises, the operation of LWS Night Shelter relies on a much greater number of volunteers than this and will provide opportunities to both the local community and to students at nearby universities to get involved. The management of the unit will therefore be regulated and managed by other legislative frameworks (e.g. Police, Housing and Environmental Health).

Overall, whilst given careful and full consideration, it is the view of officers that the proposals would not result in a material loss of amenity and the impacts of

the proposals would be in accordance with Policy BE3 of the Local Plan and the aims and objectives of the National Planning Policy Framework.

Flood Risk

Policy FW1 of the Local Plan and the aims and objectives of the National Planning Policy Framework set out to ensure that development proposals do not result in an increase in flooding elsewhere. The comments of the LLFA have been noted.

The proposals are for the reuse of an existing building and the extensions would be constructed on tarmaced areas of the existing car park which are impermeable. The proposals would not result in or exacerbate flood risk and existing drainage would be utilised. The proposed condition by the LLFA is added.

The proposals would be in accordance with Policy FW1 of the Local Plan and the aims and objectives of the National Planning Policy Framework.

Highways and the loss of car parking

Policy TR1 of the Local Plan requires development to cater for appropriate choice in terms of alternatives to the private car whilst Policy TR3 of the Local Plan requires development proposals to provide appropriate car parking for their own needs. The objection of Highways Officers are noted.

Highways Officers consider that the proposals would result in the loss of 7 car parking spaces. It is disagreed that the development proposals would result in the loss of a 5 spaces as the proposals for the single storey extension as these would be built partially on the footprint of the existing single storey enclosures. The proposals would therefore impact on a maximum of 5 spaces.

Taking this into account and the location of the development proposals and other car parks in the area (e.g. Court Street), the proposed development would not cause a material loss of car parking that would be substantiated as a reason for refusal and would be in accordance with Policies TR1 and TR3 of the Local Plan.

CONCLUSION

The proposals have been carefully considered against the material planning considerations and the matters raised by consultees and local residents. The proposed benefits of bringing the building back into use and the social benefits of the use are considered to be significant benefits that outweigh the limited conservation harm associated with the development. For the reasons set out above, the proposals are considered to be in accordance with the aims and objectives of the Development Plan and associated guidance and the aims and objectives of the National Planning Policy Framework as a material consideration.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

approved drawings AT/HS/01, AT/HS/02A, AT/HS/03, AT/HS/04A, AT/HS/05A, AT/HS/06A, AT/HS/07A, and specification contained therein, submitted on 12 October and 6 November 2018 as amended by plans submitted on 15 January 2019. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON**: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
 - 4 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.
 - 5 No development and subsequent use of the development shall take place until plans and details showing the allowance for exceedance flow and overland flow routing have been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. Any overland flow routing should look to reduce the impact of an exceedance event and surface water flooding. **REASON** : To prevent the increased risk of surface water flooding from overland flow routes.
-

Planning Committee: 29 January 2019

Item Number: 9

Application No: [W 18 / 1984](#)

Town/Parish Council: Radford Semele
Case Officer: Andrew Thompson

Registration Date: 12/10/18

Expiry Date: 07/12/18

01926 456539 andrew.thompson2@warwickdc.gov.uk

White Lion, 60 Southam Road, Radford Semele, Leamington Spa, CV31 1TE

Works to internal main trade area and beer garden FOR Greene King PP

This application is being presented to Committee due to the number of objections and an objection from the Parish Council having been received.

RECOMMENDATION

That planning permission be GRANTED subject to conditions

DETAILS OF THE DEVELOPMENT

The application proposes external alterations to the public house and associated beer garden. These are set out as:

A section of new paving will be added to the existing beer garden to match the existing paved area. The existing external painted render will be re painted like for like to maintain the building.

Four new pods are proposed within the existing beer garden area. The pods will provide private seating areas with lighting within. These will provide shelter within the beer garden to allow the space to be used year-round.

A new water feature with heritage brick surround and feature lighting will be added to the existing patio area to create a focal point to the rear.

A new pergola structure will be securely fixed in metal shoes with three quarter height trellis screens to sections. The pergola will not touch the existing listed building.

Canopies in the form of a fabric sails will be strung within the new pergola to create a designated covered seating area. New fixed seating and fixed furniture to the bays will be added to create desirable feature seating areas.

A new lighting scheme is also proposed with wall lights being proposed, the existing lamp posts will be retained, re-decorated and repositioned.

The proposal did include a children's' play area however this has been removed from the proposal in response to comments received.

The application is supported by a Heritage Statement and a Design and Access Statement.

THE SITE AND ITS LOCATION

The White Lion Public House is a Grade II listed building on Southam Road in the medieval village of Radford Semele. The public house is located on the road frontage and extends to the rear in an L-shape. Dating from the Seventeenth-Century, with later Nineteenth-Century alterations and modern extensions, the pub has painted render to the exterior with applied timber posts, though the main structural frame behind is historic timber, with casement windows, thatched roof, and large brick chimney stacks.

The building at the front has a thatched roof with the remaining buildings to the rear being tiled. The public house was damaged by a fire on 2 February 2006 which destroyed the thatched roof and some of the interior.

Externally the beer garden is at the same level as the public house whilst the site levels rise up to the rear with an upper tier of car parking approximately 1m above the beer garden and public house.

To the rear of the car park is Hallfields which is a development of bungalows with landscaping and a close boarded fence forming the boundary. School Lane also has a number of properties which also have a common boundary with the public house and beer garden.

PLANNING HISTORY

There have been a number of planning permissions and listed building consents, since the fire. These include:

W/06/0812 and W/06/0813/LB - Extension to existing outdoor terrace to rear of building with installation of 2 'jumbrellas' and 2 decorative lampposts (retrospective application) - Granted 28/07/2006

W/06/0892/LB - Restoration and alterations to fire damaged building including new thatched roof. Granted 21/07/2006

W/16/1775 and W/16/1776/LB - Installation of a standard type defibrillator equipment to rear/side wall of the Public House - Granted 26/01/2017

W/17/0597/LB - Replacement of rotten timber lintel and repair of ground floor joints to side entrance - Granted 25/05/2017

Internal works associated with the current proposals were the subject of a separate application for Listed Building consent that was approved under delegated powers (W/18/1985/LB).

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029)
- DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029)

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council - Object - impact of the play equipment, possible excessive noise and disturbance and late at night, and impact on the amenity of the closest neighbours. Other play equipment is available in the village.

Warwickshire County Council Highways - No objection

Warwickshire County Ecological Advisor - No objection however recommend notes relating to bats, hedgehog and nesting birds. Recommend that no materials are stored in root protection areas.

Health and Community Protection – Safer Communities Section - No objection

There have been a total of 9 letters of objection received to the consultation on the original proposals and the amended scheme. Some residents have written more than once. The grounds of objection include -

1. The proximity of play equipment to houses
2. No need for play equipment at a public house.
3. Impact of lighting on neighbours amenity
4. Increase in light pollution.
5. Noise and disturbance impacts from outside diners and music.
6. Traffic in the area.
7. Safety of the access.
8. Consultation [N.B - Consultation letters to School Lane properties appear to have arrived later than others]

ASSESSMENT

The key determining issues relating to the consideration of this application are:

- The Principle of Development
- Impact on the Character of the Area and Heritage
- The relationship to neighbouring properties
- Highways and servicing
- Ecology, Trees and Wildlife

The Principle of Development

Policies SC0 and DS3 set out to support prosperous communities which includes supporting social infrastructure and communities to sustain themselves alongside the provisions to respect heritage. Policy HS8 seeks to protect from the loss of community facilities and recognises the role of public houses in providing such facilities whilst Policy DS5 seeks to support sustainable development in balancing the economic, social and environmental considerations of development proposals.

The application site is an existing public house within the village boundaries. The site is located on a main road with good access to public transport. The White Lion appears to be the principal public house for the village.

The proposals to improve and enhance the public house are therefore acceptable subject to the consideration of detailed aspects and would be in accordance with the aims of Policies SC0, DS3, DS5 and HS8.

Impact on the Character of the Area and Heritage of the Public House

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act requires special regard to the historic character of listed buildings. Policy HE1 of the Local Plan sets similar aims. Policy BE1 of the Local Plan also requires attention to be paid to the character of the area and architectural detail. The aims and objectives of the National Planning Policy Framework are also considered in respect of conserving the historic environment and achieving high quality design.

The public house is a prominent Grade II listed building to the area and plays an important role in the street scene. The asset is therefore considered to be significant despite the fire damage.

The existing public house has a patio and grassed beer garden with picnic tables and lighting (installed following planning permission and listed building consent in 2006). The proposals would introduce four new spherical pod style seats, a new pergola, an additional patio area and improved circulation areas together with redecoration of the existing lighting and new lights with new fencing to the car park. The pods would be positioned against the existing grass banking away from the public house in the existing grassed area approximately 7.6m from the existing bottle store and 13.9m from the extension containing the rear entrance from the bar.

The application originally included a proposed play area on the upper level of the car park which has been removed from the proposal.

The Council's Conservation Officer raises concerns with regard to the pod features and the increased fenestration detail and the impact on the listed building and proximity of the pergola. The Conservation Officer however supports the remaining detail. It is considered that the harm would be less than significant to the asset.

The pods would be set at the furthest point from the bar within the confines of the existing beer garden. The pods would be some 2m in diameter and would contain their own lighting and heating equipment in the roof.

The pods would be a largely glazed feature with seating. So whilst understanding the concerns of the Conservation Officer, the separation and design of the proposals would result in less than substantial harm. The proposed pergola is not attached to the listed building and whilst the proposal is close to the rear facade of the bar, the proposal would be lightweight and limited in scale. Further the proposed alterations would be to the rear and would not be readily visible from the public domain.

Therefore it is considered that the proposals would cause less than substantial harm and limited harm to the character of the listed building.

Having considered the proposals, it is considered that there are significant public benefits associated with enhancing the viability of the public house. These benefits outweigh the less than substantial harm to the heritage asset. The proposals would be in accordance with Policies HE1 and BE1 of the Local Plan and the aims and objectives of the National Planning Policy Framework and would be acceptable.

The relationship to neighbouring properties

Policy BE3 of the Local Plan seeks to ensure that development does not adversely impact on the amenities of neighbours. The National Planning Policy Framework at paragraph 127 seeks the same aim. The comments of neighbours have been carefully considered. Many of the comments received related to the previously proposed play area (now removed) and the relationship to neighbouring properties. Residents also raise concern regarding the level of activity, music and impact of the proposed pods.

The existing beer garden is set at a lower level than properties to the rear on Hallfields which is the same level as the upper tier of car parking. The beer garden is separated from the properties in Hallfields by the car park.

The existing boundary between the public house and the adjacent properties in School Lane is formed by landscaping, trees and fencing. Some planting and landscaping is more substantive than in other parts of the boundary.

The nearest pod would be approximately 7.25m from the boundary with the properties in School Lane and would be approximately the same height as boundary treatment and therefore there would be limited visual impact from the existing situation. The gardens of the School Lane properties are approximately 25m in length.

Taking account of the physical relationship and the intervening boundary treatment and separation from the boundary and the existing circumstances of the beer garden, the proposals would not impact on the relationship to neighbouring properties. Control over the installation of formal acoustic equipment within the pods can be conditioned.

As such, taking account of all material circumstances, the proposals would not significantly or materially impact on the amenities of neighbouring properties, and would be in accordance with Policy BE3 of the Local Plan.

Highways and servicing

Policies TR1 and TR3 of the Local Plan seek to ensure appropriate levels of car parking and seek to ensure that proposals do not impact on highway safety. The Parking Standards SPD is noted in terms of the amplification to the guidance. In accordance with the National Planning Policy Framework, highway safety should only be used as a reason for refusal where the impact would be severe.

The comments of Highways Officers were submitted when the proposed play area would have removed some of the car parking provision. There are approximately 63 car parking spaces on the existing car park. This would be in excess of the standard set in the Council's Guidance which seeks a provision of 1 space per 20sqm which would equate to a standard of approximately 20 spaces.

Taking account of the comments of the Highway Authority therefore there is now no impact on parking provision and the objections have been overcome and Highways Officers now raise no objection.

The proposals would be in accordance with Policy TR1 and TR3 of the Local Plan.

Ecology, Trees and Wildlife

Policy NE3 of the Local Plan requires the protection of biodiversity as part of development proposals. The area affected by the application is currently a grassed area with picnic tables associated with the beer garden. The County Ecological Advisor comments that appropriate notes should be added in relation to bats, hedgehogs and nesting birds.

There is one tree close to the boundary located within the boundary of the neighbouring residential garden and others close to the front and rear of the site. None of the trees are affected by the proposed development.

Overall the proposals would not impact on trees or protected species and subject to appropriate conditions the proposals would be in accordance with Policy NE3 of the Local Plan.

CONCLUSION

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

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

approved drawing(s) 2396 - 201 REV A, 2396 - 202 REV A, 2396 - 203, 2396 - 204, 2396 - 206 REV A, 2396 207 Rev A, 2396 - 209 and specification contained therein, submitted on 12 October 2018 as amended by drawings received on 26 November 2018. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies HE1, BE1 and BE3 of the Warwick District Local Plan 2011-2029.

- 3 No amplification equipment shall be installed in the garden seating pods hereby permitted. **REASON:** To safeguard the amenities of the occupiers of adjoining premises.
 - 4 No fires shall be lit within 10 metres of the nearest point of the canopy of any tree(s) on or adjacent to the application site; no equipment, machinery or structure shall be attached to or supported by a tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE3 of the Warwick District Local Plan 2011-2029.
 - 5 Prior to their installation, details of the manufacturer details and method of fixing of the proposed wall lights shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. **REASON:** In the interests of the character of the listed building and in accordance with Policy HE1 of the Warwick District Local Plan 2011-2029.
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Planning Committee: 29 January 2019

Item Number: 10

Application No: [W 18 / 2002](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 24/10/18
Expiry Date: 19/12/18

01926 456531 Helena.Obremski@warwickdc.gov.uk

68 Clarendon Street, Leamington Spa, CV32 4PE

Resubmission of W/17/2413: Retrospective change of use from two dwellings (C3 use) to 10 bed HMO split into two cluster flats (sui generis use). FOR Mr Birdi

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received.

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to the conditions listed in the report and subject to a satisfactory unilateral undertaking for an amendment to the Traffic Regulation Order being completed. Should a satisfactory Unilateral Undertaking not have been completed by 28 February 2019, Planning Committee are recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that undertaking.

DETAILS OF THE DEVELOPMENT

The proposal seeks retrospective planning permission for the change of use from two dwellings (C3 use) to a 10 bed HMO split into two cluster flats (sui generis use).

The application has been amended to add a window to the plans to the first floor rear bedroom which is existing and was omitted initially from the plans in error. The layout of the ground floor has also been amended to reduce the number of bedrooms by 1 and reposition a window on the rear elevation

THE SITE AND ITS LOCATION

The application property is a three storey townhouse, located within the town centre and Conservation Area. The application property benefits from a small courtyard to the rear, but has no off street parking provision. Planning permission was granted in 2014 for a conversion of the shop and upper floors into 2no. apartments. The applicant states that this was implemented, and that the proposed works have been carried out following on from the conversion of the property.

RELEVANT PLANNING HISTORY

W/13/0370 - application withdrawn for change of use from shop and storage to two residential units with associated alterations.

W/14/0351 - planning permission refused for change of use from shop to 2no. 3no bedroomed flats (Use Class C3). (Resubmission of W/13/0370).

W/14/0754 - planning permission granted for change of use from shop (Use Class A1) to 2no. residential units (Use Class C3). (Resubmission of W/13/0370 & W/14/0351) and associated external alterations.

W/17/2413 - application withdrawn for retrospective change of use from two dwellings (C3 use) to 11 bed HMO split into two cluster flats (sui generis use).

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council: Objection raising the following issues:-

- The inaccurate parking survey;
- A query regarding the HMO calculation;
- The undersized communal sitting room on the second floor;
- The overdevelopment of the site;
- The detrimental impact on neighbours: noise, anti-social behaviour and parking.

Waste Management: No objection, subject to the provision of adequate waste storage which is accessed from the public highway.

Private Sector Housing: Objection regarding the small living area for the second floor flat.

WCC Highways: No objection, subject to the receipt of a satisfactory unilateral undertaking securing a Traffic Regulation Order.

Public Responses: 5 Objections received on the following grounds:-

- The inadequate living conditions for the occupiers;
- The impact on neighbouring residential amenity: waste storage, noise disturbance, and litter;
- The lack of adequate parking and the inaccurate parking survey provided;
- The proposal doesn't take into account 20+ rooms being constructed on Kenilworth Street.

ASSESSMENT

The main considerations as part of the assessment of this application are as follows:

- The Principle of the Development
- The Design and Impact on the Conservation Area
- The Impact on Neighbouring Residential Amenity and the Living Conditions for the Future Occupiers
- Parking and Highway Safety
- Waste

The Principle of the Development

Whether the proposals would cause a harmful over-concentration of HMOs in this area

Policy H6 of the adopted Local Plan states that planning permission will only be granted for Houses in Multiple Occupation where:-

- a) the proportion of dwelling units in multiple occupation (including the proposal) within a 100 metre radius of the application site does not exceed 10% of total dwelling units;
- b) the application site is within 400 metres walking distance of a bus stop;
- c) the proposal does not result in a non-HMO dwelling being sandwiched between 2 HMOs;
- d) the proposal does not lead to a continuous frontage of 3 or more HMOs; and
- e) adequate provision is made for the storage of refuse containers whereby - the containers are not visible from an area accessible by the general public, and the containers can be moved to the collection point along an external route only.

Assessment

The proposal is assessed as follows:

a) Initially, Officers calculated the percentage of HMOs within a 100 metre radius of the site including the proposed HMOs as 10% which met the requirements of point "a" above. However, concern had been raised that the student flats approved as part of application W/10/1370 along Kenilworth Street which is within 100 metres of the application site have not been included in the calculation because they do not have a HMO licence yet, as they are still being constructed. As the development approved under W/10/1370 is well underway, it was considered appropriate to add these properties into the calculation, which means that the existing percentage of HMOs within a 100 metre radius of the site is 11.83%. Adding the two retrospective HMOs as part of this application would increase this percentage to 12.9% which conflicts with point "a" above.

However, the proposal is considered to meet the exception to point "a" as defined by within Local Plan policy H6. The application site is considered to be positioned on a main thoroughfare in a mixed use area - whilst the immediate neighbouring properties are residential, within close proximity to the site there are also a mixture of commercial sites such as a veterinary surgery, large hotel, insurance services, various retail units, and multiple restaurants. There are also large offices nearby to the site. It is therefore considered that the wider area around the site is in mixed use. Furthermore, the exception to point "a" specifically seeks to resist additional movements between the application site and the town centre. As the application site is already located within the town centre, the change of use is not considered to increase footfall within an area which is predominately residential.

b) The application property is located within 400 metres of a bus stop.

c) The property would not sandwich a non-HMO between another HMO.

d) The change of use would not lead to a continuous frontage of 3 or more HMOs

e) The property benefits from side access to the courtyard where refuse could be stored out of sight of the general public.

Therefore it is considered that the retrospective change of use of the site to 2no. HMO cluster flats is acceptable in this location and meets the requirements of policy H6 of the Local Plan

Design and Impact on the Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed

against the public benefits of the proposal, including securing its optimum viable use.

Policies BE1 and BE3 of the Warwick District Local Plan 2011 - 2029 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a Conservation Area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

A window at the rear of the property is to be repositioned to allow better living conditions for the occupiers of the site. This would not be an additional window and can be conditioned to be constructed from matching materials to those of the existing dwelling. Therefore, it is considered that the development causes no harm to the street scene, or the Conservation Area. It is acknowledged that the Conservation Officer has no objection to the proposal. The development is therefore considered to be in accordance with Local Plan policies BE1, BE3, HE1 and HE2.

Impact on Neighbouring Residential Amenity and the Living Conditions for the Future Occupiers

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties to ensure adequate levels of outlook and light.

Impact on the Amenity of Neighbouring Residents

There have been objections from members of the public concerning HMOs in the area having led to increased noise, disturbance and anti-social behaviour. Officers have consulted with Environmental Health Officers who have confirmed that they have received no complaints in relation to these matters lodged against the application property.

There are no external alterations proposed which would impact the amenity of neighbouring properties.

Whilst the concerns of neighbours are recognised, as the scheme complies with the Council's policy on the proportion of HMO properties within this area, and as there have been no complaints made regarding the occupants, Officers have no material reason to refuse the application on the grounds of impact on neighbouring amenity.

Living Conditions for the Future Occupiers

There has been an objection from the Town Council and members of the public in relation to inadequate living conditions for the occupants of the property. The Town Council considers that the scheme represents overdevelopment of the site. Officers expressed concerns regarding the fact that the first floor back bedroom had no outlook as it was only served by a rooflight. The agent has amended the plans and informed Officers that this room is already served by a side facing window. Officers have checked that the window is installed and that it accords with the plans which were approved under the 2014 permission for the conversion, which is the case. It was assessed in 2014 that the living conditions for a habitable room with the same living arrangements was acceptable, and therefore it is considered that the use of the rear bedroom, with a side facing window is also acceptable.

Concern was expressed by Officers relating to the layout of the ground floor and living conditions within the bedrooms. The originally submitted plans showed a ground floor bedroom with a side facing outlook immediately onto a shared passageway, and facing towards a window serving another residential property; this was not considered to provide adequate living conditions for the occupiers, which would be potentially overlooked and disturbed within their bedroom. It is noted that this room was approved as a habitable room as part of the 2014 permission for the conversion of the site, however, this was approved as a study to serve a flat rather than a bedroom. As part of the current application, Officers considered however that this arrangement was too constrained for a bedroom serving a HMO where the occupants are likely to spend a considerable amount of time. The first floor bedroom with a side facing window has a much more open outlook and is not positioned directly next to a shared passageway, where passers by could look into the bedroom and create noise disturbance. It was also considered that the ground floor rear bedroom had a very constrained outlook onto the rear boundary wall. Again, although the window serving the proposed rear ground floor bedroom was approved as part of the 2014 permission, this formed part of an open plan living area.

Therefore, the plans were amended to reposition the ground floor rear window and enlarge the size of the room, through the reduction of one bedroom. On balance, it is therefore considered that as the outlook has been improved, the bedroom has been enlarged, has two light and outlook sources and as the space already has been approved as habitable accommodation under the 2014 permission, the living conditions for the occupiers of this room are considered to be acceptable. A condition is proposed to be included to ensure that the

maximum number of bedrooms within the property are 10 to ensure the protection of amenity for the occupiers.

Concern has been expressed by members of the public and the Town Council regarding the size of the rooms, facilities provided for the occupants and size of the communal areas. Private Sector Housing have made an inspection of the property and also share concerns regarding what they consider to be a small living area for the second floor flat. Whilst the concerns are noted, the facilities and size of the living areas are controlled by licensing and cannot be considered as part of this planning application. All of the habitable rooms are provided with windows which provide light and outlook, and all of the rooms are considered to have adequate levels of privacy.

Therefore, it is considered that the development provides adequate living conditions for the occupants of the property and would not have a harmful impact on neighbouring residential amenity. The development is considered to be in accordance with Local Plan policy BE3.

Parking and Highway Safety

There has been an objection from the Town Council and members of the public that the change of use provides inadequate parking and that the parking survey is inaccurate.

There would be no parking provided for the HMOs, however, it should be noted that this was the same arrangement as for the flats which previously obtained planning permission. The previously approved flats required parking for 4 cars, the existing arrangement generates a need for 5 spaces, in accordance with the Council's Vehicle Parking Standards guidance, which is 1 space more than the previous arrangement. WCC Highways previously suggested that the occupants should not be entitled to parking permits for nearby on-street parking because of existing parking stress, which Officers controlled by a condition attached to the application. It should be noted that under the previous application, a parking survey was not provided. WCC Highways have assessed the current application and parking survey and consider that sufficient parking is available within the nearby area to accommodate the required 5 spaces needed which is shown by the parking survey provided. However, they also note that the applicant has submitted a unilateral undertaking to waive the right for the occupants to apply for permits, through the amendment of the existing Traffic Regulation Order. WCC Highways have no objection on this basis.

Complaints have been made by members of the public that the existing residents of the property have obtained parking permits, which is contrary to the requirements of the previous permission, which the applicant contends was implemented. A condition was attached to the previous permission in 2014 requiring that prior to the occupation of the site, a Traffic Regulation Order must be made by the Highway Authority to remove the application property from the existing Traffic Regulation Order thereby securing the removal of the rights of the applicant/ future owner/tenants of the application property to apply for residents parking permits. Clearly, the owner/occupiers are in breach of this

condition, which has been reported to the Council's Planning Enforcement team. In order to better ensure that the amendment to the Traffic Regulation Order is adhered to, the Council now require that a legal agreement is entered into prior to issuing a planning approval. Therefore, subject to the signing of a satisfactory unilateral undertaking to secure the amendment to the Traffic Regulation Order, it is considered that the proposal would not have a harmful impact on the capacity of nearby parking.

It should also be noted that the site is located within a sustainable location with excellent links to buses and Leamington Spa Train Station.

A number of queries have been raised in reference to the parking survey provided. Members of the public have queried the validity of the results provided, the locations and time of the parking survey and why further parking surveys were not carried out. These comments have been relayed to WCC Highways who state that, *"the results of a car parking survey undertaken were provided. Upon reviewing the results of the survey, the Highway Authority was satisfied that there was sufficient spare on-street parking capacity to accommodate the additional parking that could be generated by the development proposals. Appendix A of WDC's Parking Standards (June 2018) indicates that additional surveys may be required for multiple reasons however, in this instance, the parking survey that was carried out was considered to be sufficient. The survey was carried out overnight, which is when demand for on-street parking is likely to be at its highest for residential uses."*

However, notwithstanding the results of the parking survey provided, the applicant proposes to enter into a legal agreement to revoke the rights of the occupiers to apply for parking permits to overcome the concerns expressed by local residents in relation to the impact on permit areas. Therefore, there would be no additional demand on nearby permit parking as a result of the proposed development.

Therefore, the change of use is not considered to cause harm to highway safety or amenity and is in accordance with Local Plan policy TR3.

Waste

There have been concerns raised that the scheme provides inadequate waste storage arrangements and that there has been littering since the change of use to a HMO.

Waste Management have no objection to the proposed development, subject to adequate waste storage arrangements, which can be accessed from the public highway.

There is a communal rear courtyard which can be used for waste storage. This can be accessed from an alleyway which links the site to the public highway from the courtyard. Therefore, adequate waste storage measures are considered to have been provided.

Other Matters

The Council's open space team have requested that a contribution is made towards the improvement of local open spaces. However, as the proposal falls below the threshold of 11 or more dwellings, it would be unreasonable to insist on this.

Members of the public have raised concerns regarding the fact that the 2014 permission for the conversion of the site from a shop to 2no. flats was not implemented and that the site was converted straight into 2no. HMO cluster flats from the shop. Whilst this concern is noted, this has no bearing on the assessment on this application, which is considered on its own merits. It is noted above that the 2014 permission is considered as a precedent, which is still the case even if it was not implemented, because the application was approved and considered by the Council as acceptable.

Conclusion

The retrospective change of use of the site to a 10 bedroom HMO is considered to be acceptable in principle and is not considered to have a harmful impact on neighbouring residential amenity. The proposal is considered to provide acceptable parking arrangements and is considered to provide adequate waste storage arrangements. The change of use should therefore be approved.

CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawing 1227-0500-05, and specification contained therein, submitted on 9th January 2019. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 2 All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029.
- 3 The maximum number of bedrooms within the two HMO cluster flats hereby approved shall be 10. **REASON**: In the interest of the protection of amenity of the occupants of the property in accordance with Warwick District Local Plan policy BE3.

Planning Committee: 29 January 2019

Item Number: **11**

Application No: [W 18 / 2007](#)

Town/Parish Council: Leek Wootton
Case Officer: George Whitehouse
01926 456553 george.whitehouse@warwickdc.gov.uk

Registration Date: 26/10/18

Expiry Date: 21/12/18

Romary, 19 Hill Wootton Road, Leek Wootton, Warwick, CV35 7QL
Front extension to garage. FOR Mr. Patrick Morley

This application is being presented to Committee due to an objection from the Parish Council having been received.

RECOMMENDATION

It is recommended that Planning Committee grant the application for the reasons set out in the following report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for a front extension to the garage.

THE SITE AND ITS LOCATION

19 Hill Wootton Road is detached property which benefits from full PD rights.

There is a TPO tree in the rear garden of the property which is unaffected by the proposals.

PLANNING HISTORY

There is no relevant planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Neighbourhood Plan
- Leek Wootton and Guys Cliffe Neighbourhood Plan

SUMMARY OF REPRESENTATIONS

Leek Wootton & Guy's Cliffe Parish Council – Object. The Parish Council considers that this proposal is out of keeping with the general street scene of Hill Wootton Road and would bring the property in front of the general building line of the development along the northern side of Hill Wootton Road.

Public - 1 public letter of objection based on loss of light and outlook from side window.

ASSESSMENT

The main issues relevant to the consideration of this application are:

- the impact on the street scene; and
- the impact on the amenity of neighbours.

Impact on the street scene

Local plan policy BE1 states that development will be permitted where it positively contributes to the character and quality of the street scene.

Since there is no clear presiding character of development along Hill Wootton Road due to the unique designs and periods of properties it is not considered the proposals are harmful to the street scene. The proposals are considered acceptable given the unique context in which the house sits, and will not be out of keeping with the street scene. It is also considered the design of the proposed extension and its materials are complimentary to the contemporary design of the original dwelling.

Despite objection from the Parish Council there is not considered to be a strong building line along Hill Wootton road and therefore the proposals are not considered to adversely impact the building line nor the street scene of Hill Wootton Road. At the closest point the proposals are set 8m from the road.

Impact on the amenity of neighbours

Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of neighbouring residents, in terms of light, outlook and privacy. The Council's Residential Design Guide SPD provides a design framework for Policy BE3 and states that extensions should not breach a 45 degree line taken from the nearest habitable room window providing the principal light source to that room. This serves to protect the extent to which neighbours can enjoy their own dwellings without undue disturbance or intrusion from nearby uses.

While there may be a loss of light to the neighbour's side window as a result of the proposed development, that is a secondary window to the room in question. The 45-degree guideline does not apply to secondary windows, and nor does it apply to side windows. The proposed extension would not infringe the 45-degree line in relation to the window in the front elevation of the affected room, which is the principal light source to that room. It is therefore considered the proposals

would not cause unacceptable loss of light or loss of outlook. As a result, the proposals comply with policy BE3.

Summary

The character of Hill Wootton road lies in its collection of unique properties set back from the main road. The proposals are of a modern design which is complementary to the main dwelling house as well as maintaining a set back of at least 8m from the road. The primary light source to the closest neighbouring room is not materially affected and therefore it is considered the proposals comply with Local Plan Policies BE1 and BE3 and the Residential Design Guide.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 525/5A, 525/6A and 525/7A, and specification contained therein, submitted on 26/10/2015. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 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.

Planning Committee: 29 January 2019

Item Number: 12

Application No: [W 18 / 2012](#)

Town/Parish Council: Leamington Spa
Case Officer: George Whitehouse
01926 456553 george.whitehouse@warwickdc.gov.uk

Registration Date: 17/10/18

Expiry Date: 12/12/18

53 Chesham Street, Leamington Spa, CV31 1JS

Erection of single storey rear courtyard infill and replacement single storey rear extension FOR Mr C Challis

This application is being presented to Committee as there are more than 5 letters of public support for the application and it is recommended for refusal.

RECOMMENDATION

Planning committee are recommended the refuse planning permission for the reasons set out in the report

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the erection of a single story side / rear extension alongside the existing rear wing (a 'courtyard infill') as well as a single storey rear extension.

THE SITE AND ITS LOCATION

The application site is a Victorian mid-terrace dwelling located on the east side of Chesham Street, Leamington Spa.

The property is located within the Leamington Spa Conservation area.

The historic built form of this section of the Leamington Spa Conservation Area is characterised by Victorian terraces incorporating two storey rear wings with undeveloped side courtyards alongside. This section of Chesham Street is unique in that the two storey element of the properties are uniformly aligned on the northern edge of the property with the courtyard area on the southern edge.

PLANNING HISTORY

Historical Information

The property currently benefits from a single storey rear extension attached to the rear elevation of the two storey rear wing. It is clear from the historic maps that originally 53 Chesham Street benefited from a small outbuilding, most likely a coal store or an outside water closet, which has been replaced with, or extended, to create the existing rear flat roof extension.

W/18/0920

Planning permission was sought on 23/05/2018 for the erection of a single storey side and rear wrap-around extension. This application was withdrawn due to concerns about the adverse impact on the conservation area.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Residential Design Guide (Supplementary Planning Document- May 2018)
- The 45 Degree Guideline (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Leamington Spa Town Council - No Objection

Councillor C. Quinney - Support

Neighbour Comments - 8 Letters of Support

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- the impact on the character and appearance of the conservation area; and
- the impact on neighbour amenity.

Impact on the character and appearance of the conservation area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Local Plan Policy HE1 states that, where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Council's Residential Design Guide sets out how the Council will deal with side courtyard extensions to terraced houses in conservation areas. Under this guidance, side courtyard extensions are required to be predominantly glazed,

and to incorporate a set back from the rear of the original rear wing. The purpose of these requirements is to reflect the open side courtyard feature which formed part of the traditional layout of these properties. The set back is necessary to differentiate the extension from the original rear wing.

In this case the extension is not set back from the original rear wing, it projects some way beyond this. It does incorporate a set back from the rear of the previous extension, but this extension is not reflective of the historic layout.

The current proposal does not respect the historic built form of this dwelling. This is further evidenced by the lack of information regarding the historic importance of the Leamington Spa Conservation Area in the submitted heritage statement. The justification proposed in this document is that the space is needed to create an open plan kitchen and living space. This does not outweigh the harm to the conservation area that would arise from interrupting the historic built form of the dwelling.

199 Leam Terrace has been cited as justification for allowing non-compliance with the above policies. However, that property had pre-existing side courtyard extension that caused significant harm to the character and appearance of the conservation area. Consequently the proposals in that case were viewed as being an improvement, reducing the harm. In making that decision, Members indicated that it was a unique case that should not set a precedent for courtyard infill extensions in the Leamington Spa Conservation Area.

There is no existing harm to the conservation area at 53 Chesham Street, the current proposals for the courtyard infill introduce harm to this historic designation and are not considered acceptable.

There are 8 letters of public support. None of these supply evidence as to why the proposals are acceptable within the conservation area or generate an improvement to this historic designation.

It has therefore been concluded that the proposals cause unacceptable harm to the character and appearance of the conservation area, contrary to Local Plan Policy HE1. This represents less than substantial harm under this policy, but this harm is not outweighed by any public benefits.

Impact on Neighbour Amenity

As existing, the single storey rear extension breaches the 45 degree line to the adjacent neighbour to the north of the site, No.51 Chesham Street. This has been taken from the mid-point of the ground floor window on the rear elevation of the dwellinghouse which serves a dining room. However, it is considered that the erection of the proposed single storey rear element of the extension will not result in any additional impact to the amenity of this neighbour as the eaves of the proposed extension are no greater in height than the existing flat roof extension. Furthermore, the dual pitch roof will slope away from the window, mitigating the impacts of any increase in overall height.

The south site boundary is defined by a 3.50 metre brick wall, which extends from the rear elevation of the two storey rear wing at No.55 Chesham Street to

a depth of approx. 7.0 metres when measured from the existing ground floor living room window on the rear elevation of No.53 Chesham Street. As the depth of the proposed side extension is 6.20 metres, when measured from the same living room window, and the height of the eaves is 2.80 metres, it is considered that the proposed extension will have no impact on the amenity of the neighbours at No.55 Chesham Street.

The proposed extension is therefore considered to be acceptable in terms of neighbour impact and in accordance with Local Plan Policy BE3.

Summary

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

REFUSAL REASONS

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

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

Planning Committee: 29 January 2019

Item Number: 13

Application No: [W 18 / 2281](#)

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 29/11/18
Expiry Date: 24/01/19

01926 456531 Helena.Obremski@warwickdc.gov.uk

Land adj to 2 Mill Road, Leamington Spa, CV31 1BE

Proposed erection of a detached two storey dwelling. FOR Mr J Whitehead & Ms D Hepburn

This application has been requested to be presented to Committee by Councillor Quinney.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission for the reasons listed in the report.

DETAILS OF THE DEVELOPMENT

This is a resubmission of a previously approved scheme for the erection of a detached dwelling (W/18/1602). The application seeks planning permission for the erection of a one bedroom, two storey dwelling. The proposed dwelling would have a contemporary style, having a two storey gable fronted section within the middle section of the plot, and single storey flat roof elements either side. The dwelling would be positioned at the rear of the site, with a garden and parking space to the front of the site. The dwelling would be boarded by a high level brick boundary wall.

The proposal differs from the approved scheme (W/18/1602) which is now larger in volume, providing a two storey rather than one and half storey property which is positioned at the rear, rather than the front of the site.

The current proposal has been amended to enclose the front garden area following concern expressed by Officers that there was no private amenity space provided, and the size of the parking space has also been increased.

THE SITE AND ITS LOCATION

The application site is positioned on the north side of Mill Road and is located within the Royal Leamington Spa Conservation Area and Flood Zones 2 and 3. Mill Road originally acted as a service road to serve the large dwellings and their garages fronting Leam Terrace. The street scene is now characterised by large, spacious plots, with some three storey apartment blocks and large dwellings which are positioned close to the application site, with single storey garages

opposite to the application site. Mill Gardens and the River Leam are located to the north of the site.

PLANNING HISTORY

W/74/0832 – Erection of a dwelling – refused.

W/91/1419 – Erection of a detached dwelling and garage – refused.

W/97/1286 – Erection of a detached dwelling and garage – refused and dismissed at appeal.

W/98/0279 – Erection of a detached dwelling and garage – refused.

W/14/1796 – Erection of a detached dwelling – withdrawn.

W/18/0591 - Proposed erection of a single storey dwelling - withdrawn.

W/18/1602 - Erection of 1no. dwellinghouse (resubmission of application ref: W/18/0591) - granted.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029)

Guidance Documents

- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- Vehicle Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- LES - Low Emission Strategy Guidance for Developers (April 2014)

SUMMARY OF REPRESENTATIONS

Leamington Town Council: No objection.

Councillor Quinney: Supports the application:

- the proposal makes better use of the restricted land area, in line with NPPF new guidelines, by building on a smaller footprint of 35.9%, compared with 46.3% on the approved scheme, a reduction of over a fifth;
- the proposal thereby releases a larger area of garden open space (41.6% of the plot is 'private amenity area' compared with 13.6% on the earlier scheme)
- the garden is set entirely in front of the dwelling, which is now well set back from the road, in better keeping with adjacent properties along Mill Road;
- the house itself, while now two storey, has a ground floor some 30cms lower than the approved plan, while still meeting the Environmental Agency requirements for building in an area of flood risk;
- immediate neighbours in no 2 are likely to favour the revised design, I understand, because of the greater setback from the road, but especially because of a greater separation between the properties;
- the roof height remains significantly lower than both adjacent properties and carries on the line of no 2;
- the rear view from the single upper floor bedroom over garages on to Jephson Gardens adds to the amenity of future occupants;
- the recessed walled off-road parking without entry gate but with secure access to the house meets both Parking and Highways requirements while improving occupant security;
- the overall design, carefully aligns itself with the coach house style properties on the other side of Mill Road and will therefore be more in keeping rather than contrasting with the current street scene.

Private Sector Housing: No objection, recommendation regarding escape routes.

WCC Local Lead Flood Authority: Objection, further information required.

Environment Agency: No objection, subject to conditions.

WCC Ecology: Comments remain the same as for application ref: W/14/1796 - recommend notes in relation to nesting birds, hedgehogs and indigenous plants.

WCC Highways: No objection, subject to condition.

Public Response: 1 Support: the application site has been neglected for many years; the current application has evolved in light of concerns expressed by the Environment Agency, offering a neat solution to specific needs on a small plot, using high quality materials and incorporating sustainable elements. The development will enhance Mill Road.

Assessment

The main issues relevant to the consideration of the application are:

- The Principle of development
- The impact on the character and appearance of the Conservation Area
- The impact on the living conditions of nearby dwellings and whether the proposal would provide adequate living conditions for the future occupiers of the development
- Car parking and highway safety
- Drainage/ Flood Risk
- Ecological impact
- Waste

The Principle of the Development

Local Plan Policy H1 states that new housing will be permitted in the urban areas. The application site is identified as being within an urban area on the proposals maps and therefore, the principle of housing on this site is considered to be acceptable.

The impact on the Character of the area and the Conservation Area

Local Plan Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide SPD sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for policy HE1 clarifies that

in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan Policy HE2 supports this and states that it is important that development both within and outside a Conservation Area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

The character of Mill Street, and in particular the side of the road where the proposed dwelling would be positioned, is one of spacious plots, with large amenity areas. To the east of the site, there are two large detached dwellings, with generous plots and each have sizable amenity areas to the front and rear. To the west of the application site, there are relatively large, three storey apartment blocks which again benefit from ample amenity areas to the rear and front of the sites. This creates a sense of openness along this section of Mill Road. On the other side of the road, the character does differ, with large terraced properties which front onto Leam Terrace and their garages which are accessed from Mill Road.

There have been four previous applications on this site for the erection of a residential dwelling which have all been refused. A further application submitted in 2014 for a dwelling was withdrawn (as it was to be refused under delegated powers). Application ref: W/97/1286 for the erection of a dwelling and garage was refused and then subsequently dismissed at appeal. The Inspector noted the generally spacious character of the area and that the intensity of development would detract from the appearance of this part of Mill Road. The Inspector concluded that the development would not harmonise well with its surroundings, thus not preserving the character of the Conservation Area.

The principle of the development of this site has been established under permission W/18/1062, where planning permission was granted for the erection of a single one and a half storey dwelling. The dwelling which was approved is modest in scale, and of simple form which was not considered to be harmful to the street scene. However, the proposed development is now similar to the scale of the two storey detached dwellings which were refused and dismissed at appeal.

The proposed dwelling would increase the impression of built form on the plot, providing a two storey gable which faces the street scene and extends to the rear of the site. The single storey elements fill the width of the site and this, combined with the high level boundary walls which enclose the whole site and fact that the development is now positioned at the rear of the site, gives the impression that the whole site has been developed on. This creates a cramped form of development on this modest site, which is a stark contrast to the open and spacious development neighbouring the application site.

Furthermore, the previously approved scheme has visual interest, with a creatively designed roof structure which responds to the gable features found on the neighbouring residential property. However, the proposed gable which faces towards the street scene is uninspiring and lacks architectural interest, with only one window which is positioned off centre, lacking balance and symmetry. The absence of visual interest gives the impression that the proposed dwelling has

been designed to face 'side-on' to the highway, which is incongruous and harmful to the established character of the area and Conservation Area.

Furthermore, the vertical emphasis and awkward juxtaposition of the two storey element against the single storey elements is exacerbated by the high level eaves of the property, (which are higher than the eaves height of the neighbouring property) and is out of keeping and harmful to the street scene. From a conservation perspective, it is considered that the revised scheme clearly attempts to reflect the characteristics of a mews type dwelling, however it is noted that the north side of Mill St is characterised by large dwellings and residential apartments in large grounds to the side, front and rear. The proposed development overall takes up greater green space, especially when considering hardstanding to the front, reducing openness between the detached house and apartment block. The higher structure also lends the potential to cause a greater impact on visual permeability to and from the Grade II Registered Jephson Gardens. The reduction in openness is considered to exacerbate and exaggerate the cramped nature of the development and harm caused to the Conservation Area.

Moreover, the proposed layout has been amended from the previously approved scheme so that the only amenity space is now located at the front of the property. This layout arrangement as previously stated, when combined with the high level boundary treatment gives the impression of the whole site being built upon. This layout also fails to harmonise with the existing settlement in terms of physical form, or reinforce the established urban character of streets as required by policy BE1 of the Local Plan.

Paragraph 130 of the revised National Planning Policy Framework highlights that planning permission should be refused for development of poor design that fails to improve the area. The proposed development is considered to be of poor design, by virtue of a cramped and contrived design which is out of keeping within the street scene and Conservation Area. The mews style development, vertical emphasis and lack of architectural interest is considered to be out of keeping with the character with the street scene and the proposed layout does not harmonise well with the existing settlement pattern. This is considered to represent overdevelopment of the site. The harm identified is considered to be less than substantial, however it is considered that there are no public benefits which would outweigh this harm. The development is therefore considered to be contrary to Local Plan policies BE1, HE1, HE2 and the Residential Design Guide SPD.

The impact on the living conditions of nearby dwellings and living conditions for the future occupiers of the site

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. Development should not cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide SPD provides a framework for Policy BE3, which stipulates the minimum requirements for distance separation between

properties and that extensions should not breach a 45 degree line taken from a window of the nearest front or rear facing habitable room of a neighbouring property.

Impact on Neighbouring Amenity

The proposed dwelling would sit in close proximity next to 2 Mill Road. There is a ground floor window serving a habitable room at the front elevation of this neighbour's property, with a side facing window serving the same room acting as a secondary light source. There is no breach of the Council's adopted 45 degree guidance from this neighbour's property towards the proposed development.

There would be no conflict with the Council's adopted 45 degree guidance from Cecil Court, to the west of the application site and there are no other neighbours which could be impacted as a result of the proposed development.

Living conditions for the future occupiers of the site

The proposal would provide a small garden and parking area to the front of the site. Whilst the rear courtyard is small, in relative terms to the size of the property, this is considered to be acceptable. The proposed garden would meet the Council's minimum size for private outdoor amenity areas as required by the Residential Design Guide.

Therefore, the scheme is considered to be in accordance with Local Plan policy BE3 and the Residential Design Guide SPD.

Car Parking and Highway Safety

Policy TR3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will only be permitted that makes provision for car parking that does not result in on-street parking detrimental to highway safety. Policy TR3 also states that development will be expected to comply with the parking standards set out in the most recent Parking Standards Supplementary Planning Document.

The proposal has been submitted as a one bedroom dwelling. The parking requirement for a 1 bedroom dwelling in accordance with the Council's adopted Vehicle Parking Standards SPD is 1 space, which is provided off-street. The Highways Authority had confirmed, that subject to conditions, they were satisfied that the proposal would have no adverse impact on highway safety.

When the proposal was amended to enclose the garden area to ensure that this remained a private space, this reduced the width of the parking space to 2.99 metres. The required width for a parking space between two walls is 3.5 metres in accordance with the Council's adopted Vehicle Parking Standards. The plans were subsequently amended to slightly reduce the garden area, but increase the width of the proposed parking space to meet the required standard.

The development is therefore considered to be in accordance with Local Plan Policies TR1 and TR3, and the Council's Vehicle Parking Standards SPD.

Drainage/Flood Risk

The application site is located within Flood Zones 2 and 3. The Local Lead Flood Authority have objected to the proposed development and requested that additional information is provided in relation to the drainage details prior to determination of the application. They also note a number of additional details which could be secured by condition. The applicant has been made aware of the required details and Councillors will be updated on this matter prior to the committee meeting.

The Environment Agency have also been consulted and have no objection to the proposal, subject to the inclusion of a condition requiring that the works are carried out in accordance with the details contained with the Flood Risk Assessment submitted as part of the application.

The proposed development is therefore considered to be in accordance with Local Plan policies FW1, FW2 and the NPPF.

Ecological Impact

WCC Ecology have commented on the application and note that their comments remain the same as for previous application ref: W/14/1796. They recommend notes in relation to nesting birds, hedgehogs and indigenous plants. These are considered to be reasonable and could be added if the application were approved.

Waste

There is sufficient space to the front of the site for the storage of waste and recycling. It is noted that Waste Management have no objection to the proposal.

Other Matters

The anticipated vehicle use by residents of the new development is likely to cause an incremental increase in traffic in areas of poor air quality within the district. To offset this it is recommended that the developer is required to provide electric vehicle charging facilities for the new dwelling. A condition could be added to secure this if the application were being approved.

Conclusion

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

REFUSAL REASONS

- 1 Local Plan Policy BE1 requires all development to respect surrounding buildings in terms of scale, height, form and massing and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The explanatory text for Policy HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan Policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

In the opinion of the Local Planning Authority the proposal would represent a contrived, cramped and incongruous form of development which would be at odds with the generous, spacious nearby plots and the character and appearance of this part of the Conservation Area. The mews style design, vertical emphasis and lack of architectural interest is considered to be out of keeping with the character with the street scene and proposed layout does not harmonise well with the existing settlement pattern. This is not considered to preserve or respect the character of the Conservation Area.

The harm identified is considered to be less than substantial, however it is considered that there are no public benefits which would outweigh this harm. The development is thereby considered to be contrary to the aforementioned policies.
