

# Planning Committee

Minutes of the meeting held on Tuesday 31 March 2015 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Rhead (Chairman); Councillors Mrs Bromley, Ms De-Lara-Bond, Doody, Mrs Falp, Mrs Higgins, Mrs Sawdon, Weber, Williams and Wilkinson.

An apology for absence was received from Councillor Boad.

## 165. **Substitutes**

Councillor Mrs Sawdon substituted for Councillor Brookes; Councillor Mrs Higgins substituted for Councillor Mrs Bunker; and Councillor Mrs Falp filled the Independent Group vacancy.

## 166. **Declarations of Interest**

Minute Number 169 – W15/0271 – Grove Farm, Harbury Lane, Bishop’s Tachbrook

Councillor Weber declared an interest because his wife worked for the Environment Agency which had been consulted on the application. He informed the Committee that he had had no discussions with her regarding the site.

Minute Number 170 – W14/1865 – Grove Farm, Harbury Lane, Bishop’s Tachbrook

Councillor Weber declared an interest because his wife worked for the Environment Agency which had been consulted on the application. He informed the Committee that he had had no discussions with her regarding the site.

Minute Number 171 – W14/0967 – Land north of Gallows Hill, Warwick

All District Councillors present declared an interest because a private and confidential report had been submitted to Council in January 2015 relating to this area of land.

In addition to the above declaration Councillor Mrs Falp also declared an interest because her son was a shareholder of Leamington Football Club.

Councillor Weber declared an interest because his wife worked for the Environment Agency which had been consulted on the application. He informed the Committee that he had had no discussions with her regarding the site.

Minute Number 172 – W15/0083 – Car Park, Commainge Close, Warwick

All Councillors declared an interest because the application site was on District Council owned land.

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

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

Minute Number 174 – W15/0161 – The Barn, 1 Sabin Drive, Weston under Wetherley

Councillor Doody declared an interest because the applicant was known to him and he had met them during his role as Chairman of the County Council.

Minute Number 181 – W14/1842 – 18 Lee Road, Royal Leamington Spa

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

Minute Number 182 – W15/0090 – 28 Clarendon Street, Royal Leamington Spa

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

Minute Number 179 – W15/0163 – 104 Telford Avenue, Lillington, Royal Leamington Spa

Councillor Ms De-Lara-Bond declared an interest because the application site was in her Ward.

Minute Number 175 – W15/0185 – Plot 3001, Tournament Fields, Warwick

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

Minute Number 183 – Wall at Barford House, Wellesbourne Road, Barford

Councillor Rhead declared an interest because the application site was in his Ward and one of the speakers was known to him.

### **167. Site Visits**

To assist with decision making, Councillors Mrs Bromley, Ms De-Lara-Bond, Doody, Mrs Falp, Rhead, Williams and Wilkinson had visited the following application sites on Saturday 28 March 2015:

W15/0161 - 1 Sabin Drive, Weston under Wetherley  
W15/0163 - 104 Telford Avenue, Lillington  
W14/1842 - 18 Lee Road, Royal Leamington Spa  
W15/0271 - Grove Farm, Harbury Lane, Bishops Tachbrook  
W14/1865 - Grove Farm, Harbury Lane, Bishops Tachbrook  
W14/0947 - Land north of Gallows Hill, Warwick  
W15/0083 - Commainge Close, Warwick

Councillors Mrs Higgins and Weber advised that they had undertaken their own site visits.

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

Councillor Mrs Sawdon advised that all the application sites were known to her.

### **168. Minutes**

The minutes of the meeting held on 3 March 2015 were taken as read and signed by the Chairman as a correct record.

### **169. W15/0271 – Grove Farm, Harbury Lane, Bishop’s Tachbrook**

The Committee considered an application, from A C Lloyd (Builders) Ltd, for outline planning application for residential development for up to 520 dwellings together with two new accesses onto Harbury Lane, land for Country Park, open space (including areas of formal and informal open space, allotments, structural landscaping and drainage works including surface water attenuation ponds as part of a Sustainable Drainage System), demolition of existing buildings, car parking and associated infrastructure.

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

The officer considered the following policies to be relevant:

#### The Current Local Plan

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)  
DP5 - Density (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)  
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)  
SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)  
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)  
SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)  
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

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

### The Emerging Local Plan

DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
NP1 - Neighbourhood Plans (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

Affordable Housing (Supplementary Planning Document - January 2008)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Open Space (Supplementary Planning Document - June 2009)  
Vehicle Parking Standards (Supplementary Planning Document)  
Warwickshire Landscape Guidelines SPG  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)  
Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)  
National Planning Policy Framework

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

It was the officer's opinion that, in terms of the most recent evidence of housing need, the Council was now able to demonstrate a five year supply and whilst Policy RAP1 should no longer be considered as out-of-date, it must also be recognised that the current Local Plan covered the period from 1996-2011 and made no provision for the future housing needs of the District. The weight afforded to Policy RAP1 was limited, as it was clearly contrary to the direction of travel for the District's emerging policies relating to the strategic urban extensions.

It had been concluded that the matters raised could be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have an impact on the surrounding landscape in terms of the loss of openness and rural character, with a resulting decrease in the separation between the conurbation of Warwick/Royal Leamington Spa and Bishop's Tachbrook settlements, however there was an opportunity to secure a country park and associated landscaping mitigation scheme so that the visual harm was not significant. The scheme also needed to be balanced against the wider benefits of the development listed.

The development was considered to comply with all current Local Plan policies, aside from RAP1, and with the policies of the NPPF as a whole. The presumption in favour of sustainable development carried substantial weight, as did the contribution the development would make to the provision of housing to meet the needs of the District.

The approval of this application would strengthen the District's ability to demonstrate a robust five year supply. This was important at a highly sensitive stage where there were outstanding Planning Appeals on wholly inappropriate nearby development sites, namely The Asps and Seven Acres Close, Bishop's Tachbrook. Unlike those development sites it remained that the application site was identified as an allocated housing site within the emerging Local Plan Publication Draft April 2014, which needed to be given weight due to its stage in the plan process. It was therefore concluded that the development should be granted.

An addendum provided at the meeting provided further details about the Section 106 agreement and what this was hoped to secure. In addition, 61 further objections had been received and details of comments received from Bishop's Tachbrook Parish Council, Warwick Town Council, CPRE Warwickshire Branch, WCC Highways, Environmental Health, Environment Agency, Police and Warwickshire Wildlife Trust.

The following people addressed the Committee:

- Councillor Day, Chairman of Bishop's Tachbrook Parish Council, speaking in objection to the application;
- Mr Mackay, on behalf of Warwick District Conservation Advisory Forum (CAF), speaking in objection to the application;
- Mr Wellsted, speaking in objection to the application;
- Mr Bell, speaking in objection to the application;
- Mr Mitchell, speaking in support of the application;
- Mr Wynne, speaking in support of the application;
- Councillor Brookes, Ward Councillor objecting; and

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

- Councillor Mrs Mellor, Ward Councillor, objecting.

It was proposed by Councillor Mrs Bromley and seconded by Councillor Mrs Higgins that the application be refused because the development was contrary to policy RAP1 and paragraph 12 of the NPPF which dealt with the loss of agricultural land.

Members also raised concerns about the increased generation of traffic that the development would bring.

The Council's legal officer advised Members that to include a reason relating to traffic generation may be difficult to defend at an appeal when the statutory body had been consulted and had raised no objection.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, the Committee were of the opinion that the application should be refused, contrary to the recommendation of the report.

**Resolved** that application W15/0271 be **refused** for the following reasons:

- (1) it is the wrong site in terms of location due to the impact on the countryside and it is contrary to policy RAP1 of the existing local plan;
- (2) the application is premature in relation to the adoption of the emerging Local Plan;
- (3) the loss of quality grade 2 agricultural land;
- (4) is contrary to policy DP3 with regard to the impact on heritage assets due to an increase in traffic generation; and
- (5) it is contrary to policy DS4 of the emerging Local Plan which relates to coalescence.

### 170. **W14/1865 – Grove Farm, Harbury Lane, Bishop's Tachbrook**

The Committee considered a reserved matters application, from A C Lloyd (Builders) Ltd, for the layout, scale and appearance of 90 dwelling houses comprising one and two storey housing together with associated garages, parking facilities, infrastructure, landscaping and drainage, forming Phase 1 of the Grove Farm, Harbury Lane development, granted under outline planning permission W14/0023.

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

The officer considered the following policies to be relevant:

#### The Current Local Plan

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

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

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

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

TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
NP1 - Neighbourhood Plans (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

Affordable Housing (Supplementary Planning Document - January 2008)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Open Space (Supplementary Planning Document - June 2009)  
Vehicle Parking Standards (Supplementary Planning Document)  
Warwickshire Landscape Guidelines SPG  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)  
Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)  
National Planning Policy Framework

It was the officer's opinion that the proposed development was considered to provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwelling house and layout design solutions, including public open space, relevant to this particular phase of the development. The scheme therefore complied with the policies listed.

An addendum provided at the meeting advised that Warwick District Council Contract Services had no objection or further comments and one further letter had been received reiterating points already made.

The addendum also detailed an objection from Bishop's Tachbrook Parish Council which had requested deferral on the item until various details had been further considered.

The following people addressed the Committee:

- Councillor Day, Chairman of Bishop's Tachbrook Parish Council, objecting;
- Mr Mitchell, speaking in support;
- Mr Wynne, speaking in support; and
- Councillor Brookes, Ward Councillor, objecting.

Members questioned the Highways officer, who was present, about traffic calming measures who explained that the design guidance had demonstrated an achievable standard.



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

In addition, Members were concerned about the clustering effect of the affordable housing and felt the developer could achieve a better spread across the site.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, the Committee

**Resolved** that application W14/1865 be **deferred** to allow the allocation of the affordable housing properties to be revisited.

### **171. W14/0967 – Land north of Gallows Hill, Warwick**

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

The application was presented to the Committee because of the number of objections that had been received from local residents, along with objections from Warwick Town Council and Bishop's Tachbrook Parish Council.

The officer considered the following policies to be relevant:

#### The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)

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

- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS3 - Supporting 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 - Publication Draft April 2014)
- DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS12 - Allocation of Land for Education (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS14 - Allocation of Land for Community Hub (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

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

- TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS5 - Directing Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- W1 - Waste Core Strategy (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DM2 - Assessing Viability (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### **Guidance Documents**

Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)

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

Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)  
The 45 Degree Guideline (Supplementary Planning Guidance)  
Distance Separation (Supplementary Planning Guidance)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Open Space (Supplementary Planning Document - June 2009)  
Vehicle Parking Standards (Supplementary Planning Document)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Affordable Housing (Supplementary Planning Document - January 2008)  
Warwickshire Landscape Guidelines SPG  
National Planning Policy Framework

It was the officer's opinion that the site was allocated for residential development in the Draft Local Plan and would make an important contribution to meeting and maintaining the Council's five year supply of housing land over the Plan period.

Paragraph 49 of the National Planning Policy Framework stated that housing applications should be considered in the context of the presumption in favour of sustainable development. There were three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Business would also benefit economically through the provision of highway network improvements. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space, the provision of a doctor's surgery, the provision of a community hall and improvements to shared infrastructure, including the provision of land for education use and a community stadium. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and improved footpath/cycle way links. The site was in a sustainable location adjacent to the urban area and would be integrated into the existing settlement by sustainable transport links. It was therefore concluded that the development represented sustainable development by satisfying the three dimensions identified in the NPPF.

It had been concluded that any issues of concern raised could be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities and / or the provision of new infrastructure by way of financial contributions. The development would have an adverse impact on the surrounding landscape in terms of loss of openness and harm to rural character. However, these impacts needed to be balanced against the wider benefits of the development listed above.

Drawing these matters together, it was not considered that the adverse impacts on the landscape and rural area outweighed the benefits of the development. In addition, this scheme was of particular importance for the wider area because it provided land for facilities to serve the whole Southern Development Area, including land for education, a doctor's

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

surgery and a community hall. It was therefore concluded that planning permission should be granted.

An addendum provided at the meeting detailed further objections from Warwick Town Council, County Councillors and the public. In addition, a further condition was proposed relating to securing access to the site for the developers and the plan number in condition 5 had been corrected to refer to the amended plan.

The following people addressed the Committee:

- Councillor Sullivan, Warwick Town Council, objecting;
- Mr Mackay, on behalf of Warwick District CAF, objecting;
- Mr Davies, in support of the application; and
- Councillor Mrs Mellor, Ward Councillor, objecting.

Members discussed the transport links and Councillor Weber requested that the local expert 'Cycleways' be consulted. Officers advised that this request could be covered in a note to the developer.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, the Committee

**Resolved** that application W14/1865 be **granted** subject to the following conditions:

- (1) this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
  - (a) layout
  - (b) scale
  - (c) appearance
  - (d) landscaping

**Reason** : To comply with Section 92 of the Town and Country Planning Act 1990 as amended;

- (2) application for approval of the reserved matters shall be made to the local planning authority not later than eight 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

## PLANNING COMMITTEE MINUTES (Continued)

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) the development hereby permitted shall be carried out substantially in accordance with the details described in the Design and Access Statement and as shown on the building heights plan 32662-LEA149b, and specification contained therein, submitted on 20 June 2014 and 20 February 2015. For the avoidance of doubt, drawing nos. 32662-LEA146c & 32662-LEA146d (illustrative masterplans) have been considered as being for illustrative purposes only and therefore are not approved. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011. The application is in outline with all matters (save access) reserved and the local planning authority wishes to ensure that those details that have not yet been submitted are appropriate for the locality in terms of visual and residential amenity and reflect the scale and nature of the development assessed in the submitted Environmental Statement;
- (5) the vehicular access from Europa Way shall be constructed in strict accordance with drawing no. 32662-LEA122b, submitted on 20 June 2014. The vehicular access from Gallows Hill shall be constructed in strict accordance with drawing no. 32662-LEA139, submitted on 20 June 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011;
- (6) no reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with the principles and parameters as set out within the Design and Access Statement and plans referred to in condition 4 above and the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May

## PLANNING COMMITTEE MINUTES (Continued)

2012" (and any subsequent revision and/or approved plans/strategy available at the time).

The Design Code shall include the following matters:

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

All reserved matters applications shall accord with the approved Design Code.

**Reason:** In the interests of good urban design and a comprehensively planned development in accordance with the NPPF, Policies DP1, DP14 & DP15 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014);

(7) no reserved matters application shall be

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

submitted until a Site-wide Masterplan has been submitted to and approved in writing by the local planning authority. The Site-wide Masterplan shall be in accordance with all of the following:

- the approved Design & Access Statement and building heights plan referred to in condition 4;
- the principles set out in the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (or any subsequent revision and/or approved plans/strategy available at the time); and
- the Site-wide Design Code to be approved under condition 6.

The Site-wide Master Plan shall include the following:

- illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context;
- landform topography as existing and proposed;
- a land use plan and character areas (including densities and building heights);
- movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) including a demonstration of how these relate to existing movement networks in the wider area;
- location of any areas for off-street car parking courts;
- key infrastructure (including SUDs, significant utility provision, schools, district/local centres);
- landscape corridors and open space networks;
- public open space;
- housing mix including tenure and size of dwelling;
- location of affordable housing;
- street tree planting and other structural landscape areas;
- hard and soft landscaping treatments;
- street lighting arrangements and any other lighting to public space;
- a phasing plan including triggers for delivery of key elements of supporting infrastructure; and
- a statement explaining how the



## PLANNING COMMITTEE MINUTES (Continued)

development proposals accord with the principles set out in the Site-wide Design Code.

**Reason:** In the interests of good urban design and a comprehensively planned development in accordance with the NPPF, Policies DP1, DP14 & DP15 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014);

- (8) no development shall commence until a construction phasing plan has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the phases established in this approved phasing plan. **Reason:** To ensure the proper phasing of the development;
- (9) no phase of development shall commence under any reserved matters consent until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- (a) low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;
  - (b) the brightness of lights should be as low as legally possible;
  - (c) lighting should be timed to provide some dark periods; and
  - (d) connections to areas important for foraging should contain unlit stretches.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

**Reason:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties

## PLANNING COMMITTEE MINUTES (Continued)

and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011;

- (10) no development shall take place until a Protected Species Contingency Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include a detailed badger strategy (including mitigation, compensation and monitoring as deemed appropriate) by a suitably qualified badger consultant. The Protected Species Contingency Plan shall include timescales for the works and proposals for on-going monitoring. The approved Protected Species Contingency Plan shall be implemented in strict accordance with the approved details and timescales. **Reason:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan;
- (11) the development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the local planning authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation 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 Policy DAP3 of the Warwick District Local Plan;
- (12) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan must include details of planting and maintenance of all new planting. Details of species used and sourcing of plants must be included. The plan must also include details of habitat enhancement/creation measures and

## PLANNING COMMITTEE MINUTES (Continued)

management, such as ponds, wildflower grasslands and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To meet the requirements of the NPPF in terms of biodiversity impact;

- (13) no phase of development shall take place under any reserved matters consent until a scheme showing how either a) at least 10% of the predicted energy requirement of the development within that phase 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 within that phase and its CO<sup>2</sup> 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 dwelling within that phase shall be occupied until all the works within the approved scheme in relation to that dwelling have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (14) no phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;
- (15) no phase of development shall commence on any reserved matters consent until a Tree Retention and Removal Plan identifying existing trees, shrubs and hedgerows to be retained has been submitted to and approved in writing by the local planning authority. The existing trees, shrubs and hedgerows shown to be retained on this plan shall not be cut down,

## PLANNING COMMITTEE MINUTES (Continued)

grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedgerows removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with trees, shrubs or hedgerows of such size and species details of which must be submitted to and approved by the local planning authority. All trees, shrubs and hedgerows 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 DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (16) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

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

## PLANNING COMMITTEE MINUTES (Continued)

- (1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This must be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
- a risk assessment to be undertaken relating to human health;
  - a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
  - an appropriate gas risk assessment to be undertaken;
  - refinement of the conceptual model; and
  - the development of a method statement detailing the remediation requirements.

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

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

- (2) All development of the site shall accord with the approved method statement.

- (3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless an addendum to the method statement, detailing how the unsuspected

## PLANNING COMMITTEE MINUTES (Continued)

contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority). 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 local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

**Reason:** To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (18) no phase of development shall commence under any reserved matters consent until a scheme for that phase detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter.

**Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (19) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have 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: a construction phasing plan; the anticipated movements of vehicles; the routing of delivery vehicles; the

## PLANNING COMMITTEE MINUTES (Continued)

parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

(20) no phase of development shall commence under any reserved matters consent until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

(21) no phase of development shall commence under any reserved matters consent until a scheme for that phase 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. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **Reason:** In the interests of fire safety;

(22) prior to the submission of any Reserved Matters applications for any phase of development:

(a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the local planning

## PLANNING COMMITTEE MINUTES (Continued)

authority;

(b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken;

(c) a report detailing the results of this fieldwork shall be submitted to and approved in writing by the local planning authority; and

(d) an Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

No development shall take place until all fieldwork detailed in the approved Archaeological Mitigation Strategy has been completed in strict accordance with the approved details. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Archaeological Mitigation Strategy.

**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 DP4 of the Warwick District Local Plan 1996-2011;

(23) the development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;



## PLANNING COMMITTEE MINUTES (Continued)

- (24) no phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. The scheme shall include the following:
- proposals to limit post-development runoff volumes and peak flow rates to the Greenfield discharge rate for all rainfall return periods up to and including a 1 in 100 year plus 30% (for climate change) event;
  - attenuation designed to accommodate a 1 in 100 year plus 30% (for climate change) event;
  - further detail on the implementation of SUDS; and
  - a demonstration that there will be no above ground flooding up to and including the 1 in 30 year rainfall event.

The approved drainage systems shall thereafter be installed in strict accordance with the approved details and timescales. The approved drainage systems shall be retained at all times thereafter and shall be managed and maintained in strict accordance with the approved details.

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

- (25) no development shall commence until details of a dedicated cycle path along the spine road to connect with the proposed cycle path along the spine road for the development to the north have been submitted to and approved in writing by the local planning authority. The dedicated cycle path shall thereafter be constructed with the spine road in strict accordance with the approved details.

**Reason:** To ensure adequate provision for cycling, in accordance with Policies DP6 & SC4 of the Warwick District Local Plan;

## PLANNING COMMITTEE MINUTES (Continued)

- (26) 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;
- (27) the mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **Reason:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF;
- (28) the development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment by AMEC dated May 2014 and submitted on 20 June 2014, and the proposed flood mitigation measures contained therein. **Reason:** To reduce flood risk, in accordance with the NPPF;
- (29) within two years of the first occupation of any of the dwellings hereby permitted, design and construction details of the main spine road through the development (annotated as "3. Primary Road" on drawing no. 32662-LEA147e), together with a safeguarded access into Myton School, shall be submitted to and

## PLANNING COMMITTEE MINUTES (Continued)

approved in writing by the local planning authority. Within five years of the first occupation of any of the dwellings or prior to occupation of 65% of the dwellings, whichever is the sooner, the spine road shall be completed in strict accordance with the approved details to provide a continuous unrestricted vehicular, cycle and pedestrian link from the site's principal access off Gallows Hill to the site's northern boundary. **Reason:** To ensure that a continuous unrestricted vehicular, cycle and pedestrian link is provided from the site access on Gallows Hill to link up with any spine road to be constructed on the adjacent site to the north (identified as "Land between Myton Road and Europa Way" on planning permission no. W14/1076). This is necessary in the interests of good urban design and a comprehensively planned development, in accordance with the NPPF, Policy DP1 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014);

(30) no dwelling hereby permitted shall be occupied unless and until:

(a) a scheme for rainwater harvesting has been submitted to and approved in writing by the local planning authority; and

(b) all parts of the scheme approved under (a) have been implemented in strict accordance with the approved plans for that particular dwelling.

The rainwater harvesting scheme shall be retained and maintained in strict accordance with the approved details at all times thereafter.

**Reason:** To ensure that the development is designed to be resilient to, and adapt to the future impacts of, climate change, in accordance with Draft Local Plan Policy CC1; and

(31) within two years of the first occupation of any of the dwellings hereby permitted, design and construction details of a vehicular access between the main spine road through the development (annotated as "3. Primary Road" on drawing no. 32662-LEA147e) and the

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

prospective residential development site identified as Area 11 on drawing no. 32662-LEA147e shall be submitted to and approved in writing by the local planning authority. Within five years of the first occupation of any of the dwellings or prior to occupation of 65% of the dwellings, whichever is the sooner, the vehicular access shall be completed in strict accordance with the approved details to provide a continuous unrestricted vehicular, cycle and pedestrian link from the spine road to the boundary of Area 11. **Reason:** In the interests of good urban design and a comprehensively planned development, in accordance with the NPPF, Policy DP1 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014).

### **172. W15/0083 – Car Park, Commainge Close, Warwick**

The Committee considered an application, from Waterloo Housing Group, for the erection of 13 dwellings (three houses and ten apartments) with associated parking and landscaping. This was a resubmission following withdrawal of application W14/0281.

The application was presented to the Committee because of the number of objections received along with an objection from Warwick Town Council and because the land was owned by Warwick District Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework

#### The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP5 - Density (Warwick District Local Plan 1996 - 2011)  
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

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

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

GD.7 - Previously-Developed Sites (Warwickshire Structure Plan 1996-2011).

H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

H4 - Securing a Mix of Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

### Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)

Vehicle Parking Standards (Supplementary Planning Document)

Open Space (Supplementary Planning Document - June 2009)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the officer's opinion that the proposal to provide 13 affordable units would result in wider benefits to the community without unacceptably impacting upon amenity or the visual appearance of the area. It was considered therefore that the proposal complied with the policies listed.

An addendum provided at the meeting gave details of four further letters of objection that had been received. The total of 77 objections to the application had been received. The Warwick Chamber of Trade had objected to the application on the basis of the loss of car parking spaces, which it believed would have an impact on the economy of the town and further drive customers away to where they could park easily. However, following receipt of further information relating to the number of car parking spaces lost; the retention of pedestrian linkages and the analysis of the car parking surveys undertaken, Warwickshire County Council Highways had withdrawn its objection to the scheme.

The following people addressed the Committee:

- Councillor Ms Little John, speaking on behalf of Warwick Town Council in objection to the application;
- Mr Mackay, on behalf of Warwick District Council's CAF, in objection to the application;
- Mr Sarson and Mr Gooch, both speaking in objection to the application;
- Mr Kambo, in support; and
- Councillor Kinson, speaking as Ward Member, in objection to the application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, the Committee were of the opinion that the application should be refused contrary to the recommendation of the report.

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

**Resolved** that application W15/0083 be **refused** because it was contrary to Warwick District Local Plan policies TR4, inadequate parking and TR2, traffic generation. In addition, the proposal was contrary to the core principles of the NPPF which is to ensure the vitality of the town centre.

(Councillor Ms De-Lara-Bond left the meeting at the conclusion of this item.)

### **173. W14/1713 – Homebase Ltd, Myton Road, Royal Leamington Spa**

The Committee considered an application, from Intercounty Properties, for the erection of side and front extensions, the subdivision of the building into two separate units, alterations to the car park and service yard, and variation of Condition 3 of Planning Permission W96/0461 to allow unrestricted Class A1 non-food retail use in 15% of the sales floorspace. (Condition 3 of W96/0461 prohibited the sale of food or other convenience goods, clothing, shoes, sports goods, fashion accessories, jewellery and home furnishings other than beds and furniture.)

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

The officer considered the following policies to be relevant:

#### The Current Local Plan

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

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

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

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

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

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

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

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)

#### The Emerging Local Plan

DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS3 - Supporting 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 - Publication Draft April 2014)

PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TC1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TC2 - Directing Retail Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

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

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)

Vehicle Parking Standards (Supplementary Planning Document)

National Planning Policy Framework

It was the officer's opinion that the proposals would not harm the vitality and viability of the town centre and would have an acceptable impact on the living conditions of neighbouring dwellings. Furthermore, the proposals were acceptable in terms of car parking and highway safety and would have an acceptable impact on the character and appearance of the area. It was therefore recommended that planning permission was granted.

The following people addressed the Committee:

- Ms Kerr, speaking in objection to the application; and
- Mr Tonks, speaking in support of the application.

Following consideration of the report, presentation, and the representations made at the meeting, the Committee were of the opinion that the application should be refused contrary to the recommendation in the report.

**Resolved** that application W14/1713 be **refused** because it was contrary to Warwick District Local Plan policies TCP1 and TCP2.

### 174. **W15/0161 – The Barn, 1 Sabin Drive, Weston under Wetherley**

The Committee considered an application, from Miss Roberts, for a change of use of public open space to garden land incidental to the enjoyment of the dwelling house.

The application was presented to the Committee because Weston under Wetherley Parish Council supported the application which had been recommended for refusal by Warwick District Council officers.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

### The Current Local Plan

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

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

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

### The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

It was the officer's opinion that the change of use of land to residential curtilage and the erection of fencing was inappropriate development in the Green Belt and harmful by definition. The proposal was also harmful to the character and appearance of the area and the setting of Listed Buildings. The proposal would constitute a domestic encroachment into an open area of the Green Belt, the harm of which would be made worse through the presence of domestic paraphernalia. In the opinion of the Local Planning Authority, no very special circumstances had been put forward to justify the development. Furthermore, the loss of public open space went against the carefully planned design ethos of the original redevelopment of the Weston Hospital.

An addendum provided at the meeting informed that one further letter of support had been received, stating that the land looked like it belonged to the property and was only used by dog walkers. The applicant had submitted further information in support of the scheme which had been emailed directly to members of the Planning Committee.

The following people addressed the Committee:

- Ms Norman, speaking on behalf of Weston under Wetherley Parish Council, in support of the application;
- the applicant, Ms Roberts; and
- Councillor Hammon, Ward Member, speaking in support.

Members felt that the addition of a fence would enhance the property and provide an element of security for the owners. However, it was agreed that nothing within the fenced area should be taller than 1 metre.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, the Committee were of the opinion that the application should be granted contrary to the recommendation in the report.



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

**Resolved** that application W15/0161 be **granted** subject to the following conditions:

- (1) the post and rail fence is to be a maximum of 1 metre in height;
- (2) no structure to be erected within fenced area over 1 metre high; and
- (3) removal of permitted development rights for means of enclosure as well as for hardstandings.

### **175. W15/0185 – Plot 3001 Tournament Fields, Warwick**

The Committee considered an application from Sackville Developments for the submission of all reserved matters in relation to the construction of a B1/B2/B8 unit, under Condition 2 imposed on planning permission reference W13/0758 granted on 3 September 2013 for redevelopment for employment purposes (B1, B2 and B8).

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

#### Guidance Documents

Employment Land Development Brief - Tournament Fields, Warwick  
(Prepared by Severn Trent Property)

It was the officer's opinion that the proposal would provide a high quality development in accordance with the approved development brief for the area, contribute towards economic development and would provide adequate parking and access arrangements and therefore complied with the policies listed and the NPPF.

An addendum provided at the meeting stated that Warwick Town Council had not made objection to the application and also gave details of the reasons why the Coventry and Warwickshire Local Enterprise Partnership supported the scheme.

The Chairman requested that condition 3 be amended to read 'and' rather than 'or'.

## PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation, and information contained in the addendum, the Committee

**Resolved** that application W14/0185 be **granted** 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 0302 & 0303, and specification contained therein, submitted on 5th February 2015 and drawing 0301 rev01 and specification contained therein, submitted on the 18th March 2015 and drawings 2079-PL001 Rev A & 0304 submitted on the 19th March 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how 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 and b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall only be undertaken in strict accordance with details

## PLANNING COMMITTEE MINUTES (Continued)

of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the 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 building 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 local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure that adequate parking facilities are provided and retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not commence unless and until two weeks' notice in writing of the start of works has been given to a qualified ecologist appointed by the applicant to supervise all ground work

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

elements of the development within the site. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DAP3 of the Warwick District Local Plan 1996-2011; and

- (7) prior to occupation shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps
  - b. the brightness of lights should be as low as legally possible
  - c. lighting should be timed to provide some dark periods
  - d. connections to areas important for foraging should contain unlit stretches.
- The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** To ensure appropriate measures are taken in relation to protected species in accordance with Policy DAP3 of Warwick District Local Plan 1996-2011.

(The Chairman adjourned the meeting at 11.12pm)

Resumption of the adjourned Planning Committee meeting held on Wednesday 1 April 2015 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Rhead (Chairman); Councillors Mrs Bromley, Ms De-Lara-Bond, Doody, Weber, Williams and Wilkinson.

Apologies for absence were received from Councillor Boad, Mrs Falp, Mrs Higgins, and Mrs Sawdon.

For the sake of clarity and the benefit of the members of public present the Chairman asked all members to declare any interest they had in the items to be considered this evening and also to detail the sites the Committee had visited on 28 March 2015.

### **177. Declarations of Interest**

Minute Number 182 – W15/0090 – 28 Clarendon Street, Royal Leamington Spa

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

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

Minute Number 183 – Wall at Barford House, Wellesbourne Road, Barford

Councillor Rhead declared an interest because the application site was in his Ward and one of the speakers was known to him.

Councillor Wilkinson declared an interest because he knew Mr Hawkesford.

### **178. Site Visits**

To assist with decision making, Councillors Mrs Bromley, De-Lara-Bond, Doody, Rhead, Williams and Wilkinson visited the following application sites on Saturday 28 March 2015:

W15/0163 - 104 Telford Avenue, Lillington

W14/1842 - 18 Lee Road, Royal Leamington Spa

### **179. W15/0163 – 104 Telford Avenue, Lillington, Royal Leamington Spa**

The Committee considered an application, from Mr and Mrs Doxey, for the erection of a two storey side and single storey rear extension, raising of roof and insertion of front and rear formers to create first floor accommodation and the erection of a front porch.

The application was presented to the Committee because of the number of objections received and the receipt of an objection from Royal Leamington Spa Town Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework

#### The Current Local Plan

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

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

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

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

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

#### The Emerging Local Plan

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

#### Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)  
The 45 Degree Guideline (Supplementary Planning Guidance)

It was the officer's opinion that the conversion of the bungalow to a chalet bungalow was considered acceptable in principle. The design of the extended dwelling was considered to be in accordance with the requirements of the Council's Residential Design Guide SPG and with Policies DP1 and DP2 of the Local Plan.

An addendum provided at the meeting provided information on a further letter of objection and the response from County Highways which did not raise an objection.

Mr Hillyard addressed the Committee in objection to the application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, the Committee

**Resolved** that application W15/0163 be **refused** because it is considered to be contrary to policy DP1 of the current Local Plan and BE1 of the emerging Local Plan.

### **180. W15/0160 – Quarry Park Disc Golf, Old Milverton Lane, Royal Leamington Spa**

The Committee considered an application from Quarry Park Disc Golf Course for the erection of a single storey clubhouse after demolition of the existing buildings.

The application was presented to the Committee because an objection from Old Milverton and Blackdown Joint Parish Council had been received.

The officer considered the following policies to be relevant:

National Planning Policy Framework

#### The Current Local Plan

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

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

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

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

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

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

#### The Emerging Local Plan

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

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

## PLANNING COMMITTEE MINUTES (Continued)

NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

Vehicle Parking Standards (Supplementary Planning Document)

Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the officer's opinion that the provision of appropriate facilities for outdoor sport and recreation was considered acceptable within the Green Belt as long as the building preserved the openness of the Green Belt. The provision of a club house, with sanitation facilities, storage, ticket office and refreshment areas were considered appropriate facilities within the Green Belt. The design of the proposed building resembled an agricultural building which would blend in within the open countryside and would also result in the removal of existing structures on the site. It was considered that the proposal accorded with the NPPF and would not harm the openness of the Green Belt.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted subject to an additional condition requiring the development being ancillary to the current use of the site.

**Resolved** that application W15/0160 be **granted** 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 no. 1403/P05; 1403/P06; 1403/P07 Rev A & 1403/P08 Rev A, and specification contained therein, submitted on 3rd February 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development shall be carried out only in

## PLANNING COMMITTEE MINUTES (Continued)

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

- (4) the development hereby permitted shall not commence unless and until two weeks' notice in writing of the start of works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the storage building identified as Building 1 in the Preliminary Ecological Appraisal produced by Focus Ecology Ltd. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be complete in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. 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 safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not commence until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at



## PLANNING COMMITTEE MINUTES (Continued)

night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

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

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

**Reason:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011;

- (6) before any development commences on site the following shall be submitted to and approved in writing by the local planning authority and any approved mitigation or protection measures shall be put into place prior to and remain in place during any construction work:
  - a] a detailed scaled plan (to a scale and level of accuracy appropriate to the proposal) showing the position of every tree on the site, and every tree on land adjacent to the site (including street trees) that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area etc) with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres.
  - b] a schedule of the trees surveyed as specified in paragraph 4.2.6 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction - Recommendations;
  - c] an arboricultural implications assessment, arboricultural method statement and tree

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

protection plan (to include protection measures during and after construction and any construction exclusion zones) (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) which shall also include any proposal for pruning or other preventative works. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (7) the development hereby permitted shall not commence until details of the means of foul sewage disposal have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details in perpetuity. Note: Septic tanks should only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;
- (8) the building hereby permitted shall not be occupied until the existing structures on the application site have been removed in their entirety. **Reason:** Planning permission is granted on the basis of the impact on the openness of the Green Belt taking into account the removal of the existing structures; and
- (9) a condition requiring the building to be ancillary to the main purpose of the site.

### **181. W14/1842 – 18 Lee Road, Royal Leamington Spa**

The Committee considered an application, from Mr and Mrs Mann, for the erection of a two storey side / rear extension; erection of a single storey rear extension; change of use from a three bed roomed house in multiple occupation (HMO) (Use Class C4) to a seven bed roomed house in multiple occupation (HMO) (Sui Generis).

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

The officer considered the following policies to be relevant:

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

National Planning Policy Framework

### The Current Local Plan

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

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

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

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

### The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

H6 - Houses in Multiple Occupation and Student Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

### Guidance Documents

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the officer's opinion that the supporting text of the Draft Policy H6 stated it sought to control the number of dwellings that changed from a house to a HMO. The existing house was already a HMO and therefore there would not be an increase in the number of HMOs within the area. The hot spots maps illustrated that the application property was not located within a hot spot area and therefore without further evidence of noise and disturbance it was considered unreasonable without any substantive evidence to refuse planning permission on the grounds of noise and disturbance.

Whilst the proposed single storey extension infringed the 45 degree sightline, the impact based permitted development criteria indicate that the 3m projection would be acceptable. It was considered wholly unreasonable for the District Council to require the applicant to build the ground floor extension first and then apply for planning permission for the two storey element. Therefore using the permitted development allowances as a genuine fall back position the proposed extensions as a single proposal were considered acceptable.

An addendum provided at the meeting provided amendments to the planning history section of the report and an amendment to the impact on living conditions.

Members of the Committee were concerned about poor state of the rear boundaries to the property and asked officers to provide a note to the applicant on this matter in the hope that these would be significantly improved as part of this associated works with the application.

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

Following consideration of the report, presentation, and information contained in the addendum, the Committee

**Resolved** that application W14/1842 be **granted** with a note to the applicant to ensure the boundaries are properly maintained, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 14/44-02 Rev B, 14/44-03 Rev A and specification contained therein, submitted on 19th March 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development shall be timetabled and carried out as outlined by Cotswold Wildlife Surveys in the Bat Survey report for 18 Lee Road dated 8th January 2015.
  - a) timing of the construction of the upper levels and roof of the building should avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to a red list bird species. If this is not possible then works should not commence until a qualified ecologist has been appointed by the applicant to inspect the building for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.
  - b) No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes to be erected on trees/buildings within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of box type, location and timing works. Thereafter, the box(es) shall be installed and maintained in perpetuity.

## PLANNING COMMITTEE MINUTES (Continued)

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

- (4) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (5) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details as shown on drawing no.14/44-02 Rev B submitted on 19th March 2015 . The works within this scheme shall be retained at all times thereafter 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 DP13 in the Warwick District Local Plan 1996-2011.

### 182. **W15/0090 - 28 Clarendon Street, Royal Leamington Spa**

The Committee considered an application, from Keystone Developments, for the erection of a first floor rear extension to the existing HMO.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

#### The Current Local Plan

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

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

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

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

## PLANNING COMMITTEE MINUTES (Continued)

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

### The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)

The 45 Degree Guideline (Supplementary Planning Guidance)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Vehicle Parking Standards (Supplementary Planning Document)

It was the officer's opinion that the proposed extension was acceptable in principle and would provide an appropriate design solution that would not affect neighbouring amenity and would provide adequate living conditions. The proposal was therefore considered to comply with the policies listed.

An addendum provided at the meeting provided details of a verbal confirmation from the agent that the premises would continue to operate as a five-bed HMO and that there would not be an increase in the number of bedrooms at the premises as a result of the internal alterations. An additional planning condition was proposed to ensure that this remained the case. Amended plans had been received on 30 March 2015 numbered 4425-01B and 4425-02A which indicated the size of the bedroom located within the first floor extension increased in size to 9.81 square metres. This increase had been achieved by reducing the size of the adjoining bathroom.

Following consideration of the report, presentation, and information contained in the addendum, the Committee were of the opinion that the application should be granted subject to the revised plans as detailed in the addendum along with an additional condition to ensure that the development only contained five bedrooms.

**Resolved** that application W15/0090 be **granted** 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);

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

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 4425-01B and 4425-02A submitted on 30th March 2015 and 4425-03 submitted on 23rd January 2015, and specification contained therein. REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) all window 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 DAP8 of the Warwick District Local Plan 1996-2011; and
- (5) an additional condition to include reference to ensure that the premises will continue to operate as a 5-bed HMO and that there will not be an increase in the number of bedrooms at the premises as a result of the internal alterations.

### **183. Wall at Barford House, Wellesbourne Road, Barford**

The Committee considered a report regarding the boundary wall at Barford House that in the opinion of officers needed to be repaired as a matter of urgency.

The wall forms the boundary between open grassland and Wellesbourne Road. The wall was situated within the Barford Conservation Area and forms the boundary of the Locally Listed Park and Garden known as Barford House. It also lied adjacent to and within the setting of Barford House, which was a Grade II\* listed building. The wall and land historically formed part of the park and garden to Barford House.

The wall was constructed from orange bricks (probably made locally) constructed in the Nineteenth Century with minor changes adjacent to the entrance to Barford House where a lodge cottage was removed, probably in the early Twentieth Century. A small section of wall was rebuilt in the late

## PLANNING COMMITTEE MINUTES (Continued)

Twentieth Century following damage. The wall was generally capped with stone capping - some of which are missing.

The report requested the issuing of a Section 54 Notice which would allow the Council to carry out the works to take all necessary steps to repair the wall and recover the cost from the owner of the land after a period of seven days had elapsed from the date that the Notice was served to the owner.

**Resolved** that the issuing of a Section 54 notice of the Planning (Listed Building and Conservation Area) Act 1990 on the owner of the wall be approved and authorisation be given to the Head of Development Services to take all necessary steps to implement the works required to repair the wall and recover the cost from the owner of the land.

(Meeting ended at 7.02pm)