

# Planning Committee

Minutes of the meeting held on Tuesday 16 July 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Boad (Chairman); Councillors Ashford, Cullinan, Day, B. Gifford, Heath, Kennedy, Leigh-Hunt, Roberts, Sanghera and Wright.

**Also Present:** Principal Committee Services Officer – Mrs Dury; Legal Advisor – Mrs Gutteridge; Head of Development Services – Mr Barber; Principal Planning Officer – Ms Obremski and Senior Planning Officer – Mr Young.

## 22. Apologies and Substitutes

- (a) There were no apologies for absence.
- (b) Councillor B Gifford substituted for Councillor R Dickson; Councillor Day substituted for Councillor Morris and Councillor Cullinan substituted for Councillor Weber.

## 23. Declarations of Interest

Minute Number 26 – W/19/0497 – Former Warwick Printing Co Ltd, land adj to Theatre Street and Bowling Green Street, Warwick

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

Councillor Cullinan declared an interest because she knew one of the objectors, but she felt she had an open mind on the application.

Minute Number 31 – W/19/0645 – Helen Ley Care Centre, Bericote Road, Blackdown, Royal Leamington Spa

The following Councillors declared an interest:

- Councillor Boad because the application site was in his Ward and because he had been contacted by a member of the public about this application, but he had not provided any advice to this person.
- Councillor Gifford because he had been contacted by a member of the public about this application, but he had not provided any advice to this person.
- Councillor Day because the applicant had contacted him but he had not provided any advice to this person. He also knew the architect.
- Councillor Wright because he had been contacted by a member of the public about this application, but he had not provided any advice to this person.

Councillor Leigh-Hunt arrived at the meeting after the minutes of the meeting had been approved. She declared an interest because her husband was a Trustee at the Helen Ley Care Centre. She left the room when the application was discussed.

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

Minute Number 32 – W/15/0851 – Grove Farm, Harbury Lane, Bishop's Tachbrook

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

### **24. Site Visits**

There were no site visits made.

### **25. Minutes**

The minutes of the meeting held on 18 June 2019 were taken as read and signed by the Chairman as a correct record.

The Chairman announced that two applications had been withdrawn from the agenda:

- Item 7 – W/19/0170 – 401 Birmingham Road, Budbrooke. This had been withdrawn from the agenda because of ongoing discussions with Environmental Health Officers; and
- Item 15 – W/19/0785 – Wootton Lodge, Warwick Road, Leek Wootton. This had been withdrawn from the agenda because the objectors had withdrawn their objections which meant that the application could be determined under delegated powers.

(Councillor Leigh-Hunt arrived during this item.)

### **26. W/19/0497 – Former Warwick Printing Co Ltd, land adj to Theatre Street and Bowling Green Street, Warwick**

The Committee considered an application from Waterloo Housing Group for the removal of Condition 13 (provision of off-street parking) of planning permission reference W/16/0496 (Demolition of the Warwick Printing Co. building and single storey building to Bowling Green Street and Market Street; erection of 39 apartments with associated parking and open space (revised application of W/14/0746, two no additional apartments).

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

The officer was of the opinion that the main planning considerations in determining this application had been set out and considered stating accordance with relevant Local Plan Policy. The application had also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there was not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

The application had sufficiently addressed how future occupants of the Print Works development would access car parking provision with the unilateral undertaking, providing measures to prevent adverse parking impacts in neighbouring areas. Therefore, there was not considered to be any material harm arising through the proposed variation in terms of highway safety or residential amenity.

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

The application had addressed the main considerations and would accord with relevant policy. The proposal was therefore supported subject to the execution of the provisions contained within the unilateral undertaking.

An addendum circulated at the meeting advised that eight additional letters of objection had been received.

The following people addressed the Committee:

- Ms Blick, Mrs McGregor, Mr Martin and Warwickshire County Councillor, Councillor Holland, speaking against the application; and
- Ms Doolan, representing Waterloo Housing Group.

Members noted that the application had been granted with Condition 13 and there was not sufficient justification to now remove this condition.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Heath and seconded by Councillor Ashford that the application for the removal of Condition 13 should be refused.

The Committee therefore

**Resolved** that the application to remove condition 13 from decision W/19/0947 be **refused** because it does not comply with Policy TR3.

### **27. W/19/0691 – Land off, Arras Boulevard, Hampton Magna, Budbrooke**

The Committee considered an application from Miller Homes Limited and Custodian of the King Henry VIII Trust for a residential development of 130 units including associated access, landscaping, open space and drainage infrastructure (resubmission of W/18/1331).

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

The officer was of the opinion that the development of this allocated site (H27) for the construction of 130 dwellings including a primary access off Arras Boulevard and an emergency access off Daly Avenue, together with the necessary infrastructure and associated works, (provision of open spaces and SUDs) was considered to be acceptable in principle in accordance with Local Plan Policy DS11. The provision of additional open space primarily for ecological enhancements beyond the boundary of the allocated site to the south, which itself was still within the West Midlands Green Belt, did not in itself constitute operational development, but for the purposes of assessing the impact on the Green Belt was considered to be appropriate and would not result in harm to the openness or conflict with the purposes of including land within it.

Based on the detailed layout of the development, which, in accordance with statutory consultees' advice had been subject to a number of amendments during the course of the application, officers were satisfied that the site

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

could accommodate the proposed scale of development within a suitable layout which accorded with the relevant design principles and other supplementary guidance and which provided the required housing mix. The development would not result in demonstrable harm to the amenity of existing neighbouring dwellings, or the amenity of future occupants of the development itself.

No objections had been raised from a highway safety perspective and it was considered that the main access from Arras Boulevard together with the emergency access proposed off Daly Avenue were suitable and would result in no detriment to highway safety.

Ecological matters had been suitably addressed through modifications to the layout and the addition of the parcel of land to the south which was proposed for ecological enhancements and there were no objections in respect of landscaping, open space, drainage, environmental health concerns and archaeology.

A S.106 agreement would secure the necessary obligations and financial contributions to mitigate the impacts of the development and the content of the agreement had been determined in liaison with the relevant statutory consultees and agreed in principle by the applicant.

All relevant infrastructure needs had been considered within the context of other nearby large scale development sites.

It was recommended that planning permission should be approved subject to the conditions listed at the end of the report and subject to the necessary obligations and financial contributions to be secured in the S.106 agreement.

An addendum circulated at the meeting advised that representations had been received from Budbrooke Parish Council in objection to the application and a further six letters of objection had been received from neighbouring residents who had previously submitted comments in respect of the application. These provided additional information and elaborated on information already raised in previous representations.

Additional representations had been received from Warwickshire County Council Highways Department. Following the Inspector's recent decision to allow the appeal on the adjacent allocated site, further questions had been raised about the cumulative effect of development-related traffic. In view of the timescales of the appeal being considered and the revised scheme for the Arras Boulevard site being submitted, the Highways Authority had clarified that the cumulative effect had been properly and comprehensively assessed and additional traffic resulting from the Inspector's decision could be accommodated on the Highway Network. The current proposals were tested on the basis of 150 dwellings on the adjacent site (more than the permitted 147) and so this was considered to be a robust assessment.

In terms of the cycle link proposal, which would have been captured within the S.106 obligations, WCC Highways had been unable to confirm precisely what the financial contribution would be and no detailed justification had been provided to explain how the cycle link would be provided and for

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

example, which route it would take. In light of the Inspector's decision on the adjacent site where he explicitly stated that the S.106 request in this regard was not fully justified or CIL compliant and as such was not included within the S.106 obligations, it was officers' opinion that the same applied to this site insofar as the request had not been substantiated with precise figures and justification. To that end, the request for monies to provide a cycle link was not considered to be CIL compliant and could not be included in the draft S.106 agreement.

In respect of Air Quality Mitigation and further to ongoing discussions with the Environmental Health Officer, the applicant had agreed to the inclusion in the S.106 of the financial contribution of £50,941 which would go towards the provision of appropriate mitigation measures in accordance with the adopted Air Quality & Planning SPD.

The addendum also gave details of additional conditions that should be imposed if permission was granted.

The following people addressed the Committee:

- Councillor Dutton, representing Budbrooke Parish Council which objected to the application;
- Mr Jackson-Clarke, who objected to the application; and
- Ms Thornton, a Planner who was working with the applicant.

Members were concerned that there was inadequate cycle provision and felt that responsible developers were acutely aware of the need for cycle links to be provided to support efforts in respect of the climate change emergency and would want to support these efforts.

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

The Committee therefore

**Resolved** that W/19/0691 be **granted** subject to a Section 106 Agreement to secure the necessary financial contributions/obligations in relation to affordable housing, the provision of open space and SUDs, highways infrastructure and public transport, sustainable travel packs, health care, education, libraries, improvements to public rights of way, police, sport and leisure, air quality and biodiversity offsetting and provision for an obligation to provide a contribution to CIL compliant cycle routes to and from the development in accordance with Policy TR1.

The Section 106 Agreement is to include the financial contribution of £50,941 which would go towards the provision of appropriate air quality mitigation measures in accordance with the adopted Air Quality and Planning SPD.

## PLANNING COMMITTEE MINUTES (Continued)

Authority is delegated to the Head of Development Services in liaison with the Chair of Planning Committee to finalise the terms of the Section 106 Agreement including any revisions to its terms and requirements.

Conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and the following approved drawings:

HM/POS/01 A – POS Areas Plan, HM/LP/01 – Land Use Plan, HTP/HM/01 Dec18 – House Type Pack Plan, 4B & 5B – Refuse Tracking Layout, 6B & 7B – Visibility Splays Layout, HM/PEA/01 – Emergency Access Plan, HM/LP/01 B – Location Plan, HM/PL/01 E – Detailed Planning Layout, HM/PL/02 E – Revision D/E Layout Comparison, HM/MAT/01 D – Materials Plan, HM/AFF/01 D – Affordable Housing Plan, HM/ECP/01 – External Charging Points Plan, 3C – Proposed Slab Levels, 8236-A-03 C – Tree Retention Plan, 8236-A-04 B & 8236-A-05 B – Tree Protection Plans, and specification contained therein, submitted on 26 April 2019;

8236-L-05 C, 8236-L-06 C, 8236-L-07 C & 8236-L-08 C – Soft Landscaping Plans On Plot, and specification contained therein, submitted on 30 April 2019;

8236-L-01 E & 8236-L-02 E – Soft Landscaping Plans POS, 8236-L-03 F & 8236-L-04 F – Hard Landscaping Plans, and specification contained therein, submitted on 18 June 2019;

**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (3) no part of the development hereby permitted shall commence unless and until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the

## PLANNING COMMITTEE MINUTES (Continued)

local planning authority. The development shall be carried out in strict accordance with the approved details. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

- (4) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Include infiltration testing, in accordance with BRE Digest 365 Soakaway Design guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration Sustainable Drainage Systems (SuDS)
- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753 The SuDS Manual.
- a. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods.
- b. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- c. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
- d. Provide a Maintenance Plan to the LPA giving details on how the entire surface

## PLANNING COMMITTEE MINUTES (Continued)

water system shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA.

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

- (5) the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: any temporary measures required to manage traffic during construction; plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction; dust management and suppression measures - level of mitigation determined using IAQM guidance; wheel washing; noise assessment and mitigation method statements for the construction activities - in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites Part 1 and 2; concrete crusher if required or alternative procedure; delivery times and site working hours; site lighting; access and protection arrangements around the site for pedestrians, cyclists and other road users; restrictions on burning and details of all temporary contractors buildings; plant and storage of materials associated with the development process; external safety and information signing notices; complaints procedures, including complaints response procedures and dedicated points of contact; and a scheme for recycling / disposing of waste resulting from demolition and construction works.

Best practicable means shall be employed at all times to control noise and dust on the site including:

- a. Work which is likely to give rise to noise



## PLANNING COMMITTEE MINUTES (Continued)

nuisance be restricted to the following hours: Mon-Fri 07:30 - 17:00, Sat 07:30 - 13:00. No working Sundays or Bank Holidays.

- b. Delivery vehicles should not be allowed to arrive on site before 08:00 or after 16:30 Mon-Fri, 08:00 - 13:00 Sat and not on Sundays or Bank Holidays.

**Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;

- (6) the development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition, the Local Planning Authority expects lighting to be restricted on the **site boundary vegetation** and to be kept to a minimum at night across all open spaces in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

**Reason:** To ensure protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for birds, bats and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on

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

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 NE2 of the Warwick District Local Plan 2011-2029;

- (8) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless and until a detailed and site-specific arboricultural method statement for the construction of Plots 50 and 51 (within the RPA of the retained tree T1) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;
  - (9) notwithstanding the details submitted on approved drawings 8236-L-03 F & 8236-L-04 F, prior to the occupation of Plots 109-114 (inclusive) and Plots 1 and 9-11 (inclusive) further details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and maintained as such thereafter. **Reason:** To safeguard the residential amenity of neighbouring residential properties in Curlieu Close and Clinton Avenue in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
  - (10) the hard and soft landscaping of the development hereby permitted shall be carried out strictly in accordance with approved drawings 8236-L-07C & 8236-L-08C, submitted on 30 April 2019 and 8236-L-01E & 8236-L-02E, 8236-L-03F & 8236-L-04F, submitted on 18 June 2019. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the
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## **PLANNING COMMITTEE MINUTES (Continued)**

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 the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (11) the arboricultural control measures that are described and illustrated in the Arboricultural Assessment from fpcr dated April 2019 (Rev.E), and the Tree Protection Plans 8236-A-04 B and 05 B should be fully implemented in a timely fashion and properly maintained throughout the duration of the development.

The integrity of the arboricultural control measures should be monitored by a competent arboriculturist throughout the development to ensure their compliance with the arboricultural assessment, and the reports submitted to the local planning authority for verification.

**Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

- (12) the development hereby permitted shall not be occupied unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **Reason:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;

- (13) the development hereby permitted shall not be occupied unless and until the scheme of mitigation set out within the Noise Assessment report prepared by Wardell Armstrong and

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

dated April 2019 (ref: GM10202 R.002 V0.1) has been implemented in full. The approved scheme of mitigation shall be retained in full thereafter. **Reason:** To ensure that future occupants do not experience unacceptable levels of noise, in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (14) the development hereby permitted shall be carried out in full accordance with the recommendations of the approved remediation strategy (Travis Baker Geo-Environmental Ltd (dated 3rd April 2019, Revision 02). Upon completion of the works detailed in the remediation strategy 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 remediation strategy. Any 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.

If during development contamination not previously identified is found to be present at the site, then no further development shall take place (unless otherwise agreed in writing with the local planning authority as an addendum to the approved remediation strategy). Any addendum to the remediation strategy must detail how this unsuspected contamination shall be dealt with and shall be submitted to the local planning authority for written approval.

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

- (15) the development shall not be occupied until the vehicular access and emergency vehicular access into the application site have been provided, in accordance with Drawing Number HM/PL/01 Revision E (Detailed Planning Layout), and constructed to the standard specification of the Local Highway Authority, for land within the existing limits of the adopted public highway. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan

## PLANNING COMMITTEE MINUTES (Continued)

2011-2029;

- (16) the development hereby permitted shall not be occupied unless and until the estate roads (including footways, verges and footpaths) serving it have been laid out and substantially constructed in accordance with the standard specification of the Highway Authority.

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

- (17) no dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes at all times. **Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR3 of the Warwick District Local Plan 2011-2029;

- (18) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter.

**Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

- (19) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted. Any tree(s) or shrub(s) removed, dying, or being severely damaged or diseased or becoming, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, [as soon as practicable/ within the next planting season] with tree(s) and shrub(s) of the same size and species as that originally

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

planted. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;

(20) a condition requiring obscure glazing for the first floor side facing windows of Plots 2, 16, 19, 23, 34, 41, 82, 86, 95, 123 and 128 to ensure appropriate amenity where properties share a rear to side relationship of less than 22m separation; and

(21) a condition requiring the removal of PD rights Part 2 Class A (fences, walls and other means of enclosure) to ensure the development retains its open frontage character.

### **28. W/18/2450 – Plot 310, Gallagher Way, Gallagher Business Park, Warwick**

The Committee considered an application from Gallagher Developments for construction of a two-storey office building (use Class B1(a)), together with associated vehicle car parking spaces, landscaping and associated works with access from Macbeth Approach.

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

The officer was of the opinion that the main planning considerations in determining this application had been set out and considered stating accordance with relevant Local Plan Policy. The application had also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there was not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

The application had addressed the main considerations and would accord with relevant policy. The proposal was therefore supported.

An addendum circulated at the meeting advised that the applicant had submitted revised plans to address Condition 20 in the recommendation in the report, which imposed a restriction on windows to the west elevation to be permanently obscure glazed due to amenity impacts on the neighbouring property, Longacre.

The amendments showed the set of first floor windows nearest to the bungalow changed to "oriel" style windows (triangular in plan form), with

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

the side angled towards the bungalow and private garden area being obscure glazed, and the side angled away from the bungalow and private garden area being clear glazed. This was considered to prevent amenity from being impacted upon to an equivalent degree as the originally imposed restriction.

As a result, condition 20 had been amended to require obscure glazing in accordance with the approved documents. Condition 2 (approved plans) had also been amended to reference the updated documents.

Condition 10 relating to net biodiversity loss had also been amended to reference condition 4 of the recommendation in the report (relating to landscaping) due a change in the order of the conditions.

The following people addressed the Committee:

- Mrs Gill, who objected to the application; and
- Mr Cook, a Planning Agent from Pegasus Group, speaking in support of the application.

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

The Committee therefore

**Resolved** that W/18/2450 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown within the following approved drawings submitted on 31 December 2018, 30 April 2019 & 7 June 2019;

### Site Plans

1. WCA-00-ZZ-DR-A-PL-900 Rev A - Location Plan
2. WCA-00-DR-A-PL902 Rev D - Proposed Site Plan

### Building Drawings

3. WCA-00-DR-A-PL100 Rev - - GA 00 Ground Floor Plan
  4. WCA-00-DR-A-PL101 Rev B - GA 01 First Floor Plan
  5. WCA-00-DR-A-PL200 Rev C - North & South
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Elevations

6. WCA-00-DR-A-PL201 Rev D - East & West Elevations

**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (3) notwithstanding details contained within the approved plans, prior to commencement of the development. Site level details to include:

- a) Existing site levels;
- b) Proposed site levels; and
- c) Proposed finished floor levels

Shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall subsequently be constructed in accordance with the approved levels.

**Reason:** To ensure that the development is delivered in accordance with the submitted documents in the interests of visual and residential amenity in accordance with Policy BE1 of Warwick District Local Plan 2011-2029;

- (4) the development hereby permitted shall not commence unless and until a hard and soft landscaping scheme has 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 for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with



## PLANNING COMMITTEE MINUTES (Continued)

another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (5) the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; 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 BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;
- (6) prior to commencement of the development hereby approved, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development to:
- a) Set out the details of surface water management on site;
  - b) Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753
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## **PLANNING COMMITTEE MINUTES (Continued)**

through the submission of plans and cross sections of all SuDS features;

c) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 1.2 l/s;

d) Demonstrate the provisions of surface water run-off attenuation storage are provided in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.

e) Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements.

Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

f) Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network;

g) Provide a program of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full.

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

(7) no development shall commence until:

(a) a programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition has been undertaken in accordance with the document produced by RSK Environmental Ltd called "Land Off Gallagher Way, Heathcote, Warwick, Written Scheme of Investigation for Trial Trenching";

(b) a report detailing the results of this fieldwork have been submitted to and approved in writing by the Local Planning Authority; and

(c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork

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

proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The Archaeological Mitigation Strategy shall be implemented in strict accordance with the approved details.

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

- (8) notwithstanding details contained within the approved plans, prior to commencement of the development hereby approved, details of the bellmouth to include;

a) Design and specification

Shall be submitted to and approved in writing by the Local Planning Authority. The bellmouth shall be constructed in accordance with the approved scheme prior to occupation of the building unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan;

- (9) notwithstanding details contained within the approved plans, prior to commencement of the development hereby approved, details of the bin store and substation to include;

a) Plans  
b) Elevations; and  
c) Materials

Shall be submitted to and approved in writing by the Local Planning Authority, the structures shall subsequently be implemented in accordance with the approved details.

**Reason:** To retain control over the external appearance of the development in the interests of visual amenity and in accordance with Policy

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

BE1 of Warwick District Local Plan 2011-2029;

- (10) prior to commencement of the development hereby approved, the net biodiversity impact of the development shall have been measured in accordance with the DEFRA biodiversity offsetting metric as applied by Warwickshire County Council (WCC), in the area in which the site is situated at the time of determination. If the measures for on-site mitigation approved in accordance with Condition (4) of this decision notice are not sufficient to prevent a net biodiversity loss, details of biodiversity offsetting which shall include:

- a) Proposals for off-site offsetting measures;
- b) A methodology for the identification of any receptor site(s) for offsetting measures;
- c) The identification of any such receptor site(s);
- d) The provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery);
- e) A management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity); and
- f) Program of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the approved details.

**Reason:** To ensure a net biodiversity gain in accordance with National Planning Policy Framework;

- (11) the development hereby permitted shall not be commenced unless and until a pre-assessment and design stage assessment by an accredited BREEAM assessor demonstrating how the development will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. The development shall not be occupied unless and until a completion stage assessment by an

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

accredited BREEAM assessor demonstrating that the development achieves as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. **Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029;

- (12) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (13) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

- (14) noise arising from any plant or equipment (measured as LAeq,5 minutes), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level (measured as LA90,T).

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

**Reason:** To protect the amenities of occupants  
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## PLANNING COMMITTEE MINUTES (Continued)

of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (15) in the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must then be undertaken and where remediation is necessary, a remediation scheme must be prepared, which shall all be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the local planning authority. **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

- (16) prior to occupation and use of the development hereby approved. Surface water maintenance details written in accordance with CIRIA C753 to include;

- a) How surface water systems shall be maintained and managed for the lifetime of the development;
- b) The name of the party responsible, including contact name and details.

Shall be submitted to and approved in writing by the Local Planning Authority. The surface water systems shall be maintained and managed in accordance with the approved details.

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

- (17) the development shall not be occupied until all parts of the existing access not included in the
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## PLANNING COMMITTEE MINUTES (Continued)

permitted means of access have been closed and the kerb, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority.

**Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan;

- (18) the development shall not be occupied until space has been provided within the site for the parking and loading/unloading of vehicles in accordance with submitted drawing WCA-00-RF-DR-A-PL900 rev D. The space shall be retained and maintained thereafter in accordance with the said drawing. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan;

- (19) the development hereby permitted shall not be occupied unless and until cycle parking facilities have been provided and made available for use in accordance with details that shall have been submitted to and approved in writing by the local planning authority. Thereafter those facilities shall remain available for use at all times. **Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;

- (20) prior to the occupation of the development hereby permitted, the windows in the west facing elevation that are annotated as obscure glazed on the approved drawings shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029;

- (21) a Travel Plan comprising the following details shall be submitted to and approved in writing by the District Planning Authority, in

## PLANNING COMMITTEE MINUTES (Continued)

consultation with the Highway Authority, within three months of the date of the first occupation of the development hereby approved and should include the following:

- (i) a target for the proportion of employees who will travel by means other than single car occupancy;
- (ii) a strategy for achieving the target(s);
- (iii) a management programme;
- (iv) a process for monitoring the process towards achieving the target(s); and
- (v) measures should targets not be achieved.

Thereafter the use of the site shall operate in strict accordance with the approved Travel Plan, unless otherwise agreed in writing by the District Planning Authority, in consultation with the Highway Authority.

**Reason:** To satisfy the aims of the NPPF in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site;

- (22) no materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site unless first agreed otherwise in writing by the District Planning Authority.

**Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029;

- (23) the premises shall be used for B1(a) and B1(b) purposes and for no other purpose including any other purpose in Class B1 of Part B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. **Reason:** Other uses within this Use Class may not be appropriate in these premises by reason of potential adverse impact on residential properties in proximity to the site, and to satisfy Policy BE3 of the Warwick District Local Plan 2011-2029; and

- (24) no lighting shall be fixed to the external walls or roof of the building hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies BE1



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

and BE3 of the Warwick District Local Plan 2011-2029.

(The meeting was adjourned for 20 minutes at 8.15pm.)

### **29. W/19/0404 – Wootton Grange Farm House, Warwick Road, Kenilworth**

The Committee considered an application from Mr and Mrs Kane for the replacement of the existing 1.2-metre-high post and rail fence with two-metre-high acoustic timber fence along the front boundary.

The application was presented to Committee because it was recommended for refusal but Kenilworth Town Council supported it.

The officer was of the opinion that despite the reduction in proposed height, from 2.2m to 2m, the proposed boundary treatment represented inappropriate development within the Green Belt, which was harmful by definition and by reason of harm to openness, contrary to paragraph 133 of the NPPF. There had been no very special circumstances presented which were considered to outweigh this harm, including the residential development approved opposite. Furthermore, the proposed boundary treatment was considered to be harmful to the visual amenity and rural character of the area. The development therefore conflicted with Local Plan Policies BE1 and DS18.

An addendum circulated at the meeting advised that a letter of support had been submitted from Bovis, the developer of the adjacent housing scheme. The addendum also advised on what had been agreed in respect of removal of some self-seeded trees and that the applicant had agreed to any reasonable condition relating to additional landscaping or the colour of the fence. A note from the officer stated that whilst three trees within the hedge had been removed, the hedge itself and the remaining trees were proposed to be retained, and the proposed fence would be sited behind the hedge.

The following people addressed the Committee:

- Councillor Jones, representing Kenilworth Town Council, in support of the application; and
- Mr Kane, the applicant.

Members felt that there were very special circumstances in existence to outweigh the harm to the Green Belt. It was noted that the property was a listed building and that the ongoing development directly across the road could cause harm to the listed building. It was also noted that the only amenity space was at the front of the property and there was already a high wall at the front of a neighbouring property. Members discussed other ways the effects of noise and light from the development directly across the road could be mitigated and whilst planting might help to mitigate the light nuisance, it would not mitigate the noise.

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

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

proposed by Councillor Kennedy and seconded by Councillor Gifford that the application should be granted.

The Committee therefore

**Resolved** that W/19/0404 be **granted** because very special circumstances exist that outweigh the harm to the Green Belt for the following reasons:

- (1) the protection of the listed building from harm associated with the development opposite;
- (2) the only amenity space is at the front of the house;
- (3) the access to the new development site is directly opposite the property; and
- (4) there is no alternative means of mitigating the impact of the new development.

Standard conditions to be applied, plus a condition for landscaping and planting around the fence and a condition relating to the colour of the fence.

### **30. W/19/0582 – 104 Clinton Lane, Kenilworth**

The Committee considered a retrospective application from Mr McGowan for the formation of a new access and parking area to the front of the property.

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

The officer was of the opinion that the access and driveway parking was considered to be in keeping with the character and appearance of the street scene.

Councillor Jones, representing Kenilworth Town Council's objection to the application, addressed the Committee.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Heath and seconded by Councillor Sanghera that the application should be granted.

The Committee therefore

**Resolved** that W/19/0582 be **granted** subject to the the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved site plan, and specification contained therein, submitted on 25th April 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in

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

accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

### **31. W/19/0645 – Helen Ley Care Centre, Bericote Road, Blackdown, Royal Leamington Spa**

The Committee considered an application from Mrs Bawden for a proposed single and two storey extension and internal alterations to the existing two storey wing.

The application was presented to Committee because it raised significant issues such that in the opinion of the Head of Development Services it would be prudent to refer the application to the Committee for a decision.

The officer was originally of the opinion that the site was situated within the Green Belt and the proposal represented a disproportionate addition based on the cumulative extensions to the building. The proposal therefore represented inappropriate development within the Green Belt that would have had a harmful impact on openness. It was not considered that very special circumstances had been demonstrated which outweighed the harm by definition and to the openness of the Green Belt as a result of the proposed development. The proposal was considered therefore to conflict with Local Plan policy DS18 and the NPPF. But in the intervening period between the agenda and report being published and the meeting taking place, more information had been provided, which was detailed in the addendum. This additional information reversed the officer's recommendation from one of refusal to one of approval.

An addendum circulated at the meeting advised that four additional letters of support had been received and gave details of why this was. The addendum also advised that additional supporting information had been provided by the applicant which covered:

- forecast of future demands on the site;
- evidence provided to highlight the current trends relating to Acquired Brain Injury / Traumatic Brain Injury; and
- why Lillington House (93 Lillington Road, Leamington Spa) could not be extended.

Officers had assessed the additional supporting information. It had been demonstrated that Helen Ley Care Centre was a unique case of an essential care provider, which had had increasing demands on its services. The evidence presented showed that advances in medical treatment meant that individuals were living longer, placing additional demands on care centres such as Helen Ley. The Centre provided a specialist level of care and the benefits of extending the site to provide additional bedrooms would provide significant public benefits which weighed heavily in favour of the application. The applicant had been able to demonstrate why extending their other centre, Lillington House, was not practicable and why ten bedrooms were required in terms of future proofing the site in terms of the predicted demands. It was therefore considered that on balance, under these specific circumstances, the public benefits of the scheme would outweigh the harm caused to the openness of the Green Belt and

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

represented very special circumstances. The application was therefore recommended for approval.

Officers had contacted Old Milverton & Blackdown Parish Council to seek clarification over whether it would object to the proposal based on the new information (as they had no objection to the proposal, subject to the development not exceeding 30% of the original floor space of the building), however, the Parish Clerk informed Officers that "it is not possible for me to provide a definitive response in so short a time, so perhaps the application might be referred to the next Planning Committee meeting."

Members were also informed that a letter of support had been received from Rt Hon Jeremy Wright QC MP.

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

The Committee therefore

**Resolved** that W/19/0645 be **granted** subject to standard conditions.

### **32. W/15/0851 – Grove Farm, Harbury Lane, Bishop's Tachbrook**

The Committee considered an application from AC Lloyd Limited for an outline planning application for a residential development for (approximately) 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 Committee because it was to vary a previously agreed Section 106 Agreement.

The officer was of the opinion that the proposed changes to the Section 106 Agreement were considered to be in accordance with the Council's policies and served the planning purposes equally as well as the original version. It was therefore recommended that the Section 106 should be amended as requested.

Following consideration of the report and presentation, it was proposed by Councillor Day and seconded by Councillor Ashford that the supplemental agreement should be approved to ensure that the Original Agreement applied to the new planning permission with the additions to the Original Agreement in accordance with the recommendation in the report.

The Committee therefore

**Resolved** that W/15/0851, the supplemental agreement, be **approved** to ensure that the Original

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

Agreement applies to the New Planning Permission and the following additions to the Original Agreement:

- (1) the definition of Application be added to so it includes reference to the application pursuant to section 73 of the Act to vary Condition 1 of the outline planning permission with reference number W/19/0340 dated 1 March 2019; and
- (2) the definition of Planning Permission be added to so that it includes reference to a permission granted pursuant to the application under section 73 of the Act to vary Condition 1 of planning permission W/17/0690 (Reserved matters application for the appearance, landscaping, layout and scale of 208 dwellings forming Phase 2c of the Oakley Grove Harbury Lane development, pursuant to previously approved outline application ref: W/15/0851) to allow the addition of 4no. units, thus increasing the total number of units in this phase from 208 to 212 and allocated reference number W/19/0340.

### **33. W/19/0649 – 17 Birches Lane, Kenilworth**

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

The application was presented to Committee because the applicant was closely related to a member of staff in the Council's Development Services Department.

The officer was of the opinion that the scheme was considered acceptable, having regard to the character of the street scene, the existing built form, and the impact on the amenity of neighbouring properties. Officers were also satisfied that the scheme would not result in harm to protected species.

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

The Committee therefore

**Resolved** that W/19/0649 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

## **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 received on the 17th April 2019, and approved drawings '8716-02' received 22nd May 2019, '8716-03', received 21st May 2019, '8716-05' received 04th June 2019, and the specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

### **34. W/19/0669 – Old Beams, Lapworth Street, Bushwood, Lowsonford**

The Committee considered a part-retrospective application from Mr Jinks for excavation works to reduce ground levels by approximately 2.40 metres (from highest ground level on slope) together with an associated hard and soft landscaping scheme and formation of a dropped kerb to create a new access off the highway.

The application was presented to Committee because of the number of objections that had been received including one from Rowington Parish Council.

The officer was of the opinion that the scheme was considered acceptable having regard to the character of the local area and Lowsonford Conservation Area, the setting of nearby Listed Buildings, the impact on the amenity of neighbouring properties and the impact on highway safety. Officers were also satisfied that the scheme would not result in harm to protected species.

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

The Committee therefore

**Resolved** that W/19/0669 be **granted** subject to the following conditions:

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

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 10594(90) ALL-03D, and specification contained therein, submitted on 20th June 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (2) the bat and bird boxes shown on the approved drawings shall be installed in accordance with the approved details prior to the first use of the development hereby permitted and shall be retained and maintained as such at all times thereafter. **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 NE2 of the Warwick District Local Plan 2011-2029; and
- (3) a condition requiring the submission of a detailed landscaping scheme that incorporates the reinstatement of the portion of the hedgerow that has been removed.

### **35. W/19/0804 – 401 Birmingham Road, Budbrooke**

The Committee considered an application from Mr Eales for the erection of a hip to gable roof extension over a single storey rear room, the application of new render and to make good the existing render.

The application was presented to Committee because the applicant was closely related to a Warwick District Council employee.

The officer was of the opinion that the proposed alterations were considered appropriate development in the Green Belt that would not result in harm to the character and appearance of the street scene or the Canal Conservation Area, or residential amenity.

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

The Committee therefore

**Resolved** that W/19/0804 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section  
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## **PLANNING COMMITTEE MINUTES (Continued)**

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) BR/02, BR/06, and specification contained therein, submitted on 15th May 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

### **36. Planning Appeals Report**

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

**Resolved** that the report be noted.

(The meeting ended at 9.55pm)

CHAIRMAN  
13 August 2019