

# Planning Committee

Minutes of the meeting held on Tuesday 13 August 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Boad (Chairman); Councillors R Dickson, Heath, Jacques, Kennedy, Leigh-Hunt, Morris, Murphy, Roberts, Sanghera and Weber.

**Also Present:** Committee Services Officer – Mrs Tuckwell; Legal Advisor – Mrs Amphlett; Manager – Development Services – Mr Fisher; and Principal Planning Officer – Mr Charles.

## 37. Apologies and Substitutes

- (a) There were no apologies for absence.
- (b) Councillor Jacques substituted for Councillor Ashford.

## 38. Declarations of Interest

Minute Number 51 – ACT 122/19 – The Master’s House, Saltisford Road, Warwick

Councillor Morris declared an interest because the application site was in his Ward but he was not predetermined.

Minute Number 41 – W/19/0170 – Warwickshire County Council Depot and Former Ridgeway School, Montague Road, Warwick

Councillor Morris declared an interest because he had received a letter from Crest Nicholson, the applicant, but he had not read it.

Councillor Jacques declared he was predetermined and would address the Committee objecting to the application. He therefore left the Committee during the debate and did not vote on the item.

Minute Number 44 – W/19/1007 – Land off Leam Street, Royal Leamington Spa

Councillor Roberts declared an interest because the application site was in his Ward but he was not predetermined.

Minute Number 49 – W/19/0950 – 65 Home Farm Crescent, Whitnash

Councillor Heath declared an interest because the application site was in his Ward and because the applicant was known to him and a member of his political group. He therefore removed himself from the Committee during the debate and did not vote on this item.

Minute Number 46 – W/19/0322 – Land on East Side of Warwick Road, Kenilworth

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

Councillor R Dickson declared an interest because he was predisposed but not predetermined on the application and would listen to all representations with an open mind.

### **39. Site Visits**

There were no site visits made.

### **40. Minutes**

The minutes of the meeting held on 16 July 2019 were taken as read and signed by the Chairman as a correct record.

### **41. W/19/0170 – Warwickshire County Council Depot and Former Ridgeway School, Montague Road, Warwick**

The Committee considered a major application from Crest Nicholson (Midlands) plc for full planning permission for the demolition of existing buildings and construction of 148 dwellings with associated open space, landscaping, internal roads, foot ways, cycle ways and retained access for ambulance station.

The application was presented to Committee because of the number of objections received, an objection received from the Town Council and because it was recommended that planning permission should be granted subject to the completion of a legal agreement.

The officer was of the opinion that the redevelopment of this site for residential purposes was in accordance with the allocation of the site for housing by Local Plan Policy DS11 and was therefore acceptable in principle. There were substantial public benefits which would be secured by the scheme, such as the provision of a high quality major residential development of 148 dwellings, which contributed towards the Council's housing stock, including the provision of 59 affordable housing units. The proposal had been designed in conjunction with Officers to provide a sensitive form of development which responded well to the setting of the Canal Conservation Area and wider site context. The proposed development was considered to enhance the setting of the Conservation Area and also provide more opportunities for members of the public to enjoy the canal. Furthermore, the proposed development provided a high quality area of public open space which was appropriately located in the central portion of the site to be effectively accessed by all, delivering a 'green link' which allowed not only future residents, but also wider members of the public easy access to the canal.

The proposals were also considered to be acceptable in terms of car parking, highway safety, drainage / flood risk and ecological impact. The proposed market and affordable housing mix was considered to be acceptable, given the location of the site in a highly sustainable location. The eight additional dwellings above to Local Plan allocation would not place undue pressure on local infrastructure and the proposed Section 106 contributions would satisfactorily mitigate the impact on local services.

It was recognised that garden areas of a small number of the proposed dwellings might be compromised slightly by noise from Coventry Road.

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

However, owing to the significant public benefits which the scheme would bring and limited degree by which the future occupiers were likely to be affected, on balance, the benefits were considered to significantly outweigh the limited degree of harm caused. Therefore, it was recommended that planning permission should be granted.

An addendum circulated at the meeting advised that no objection had been received from the Waste Management regarding the waste and recycling storage and collection measures proposed. An additional response was received from Environmental Protection, on a technical note from the applicant relating to noise. The addendum advised that whilst the updated noise statement reduced their concerns, Environmental Protection were apprehensive that the private outdoor amenity areas facing the canal would experience adverse noise impacts whilst the boat yard was in operation. Whilst an alternative amenity space would be available to residents of the properties to provide respite from the noise, this would not prevent future residents of the development from using these patio areas and making noise complaints about the boat maintenance activities.

It was clarified in the addendum that noise nuisance legislation would not need to take into account whether alternative amenity spaces were available as it would consider the occupier's right to use their land in a reasonable manner. Environmental Protection recommended that if planning permission was granted, conditions relating to noise mitigation, air quality, land contamination and provision of a construction management plan were included, which were all considered to have been provided within officer's report.

The following people addressed the Committee:

- Mr Kelsall, objecting;
- Mr Scaife, Mr Dix and Mr Drew, supporting; and
- Councillor Jacques, Ward Councillor, objecting.

In answer to questions from Councillors, it was clarified by the Development Services Manager that the car parking provision would be less than the required allocation.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Roberts that the application should be refused because it did not comply with Local Plan Policy TR3.

The Committee therefore

**Resolved** that W/19/0170 be **refused** because it did not comply with Local Plan Policy TR3.

(Councillor Jacques re-joined the Committee.)

### **42. W/19/0599 – Hangar 5, Coventry Airport, Coventry Road, Baginton, Coventry**

The Committee considered an application from Coventry Airport Limited for a proposed change of use of Hangar 5 and associated external yard from an

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

air freight storage and distribution and aircraft maintenance hub (sui generis) to a haulage yard, including HGV storage and maintenance and road freight storage and distribution (sui generis).

The application was presented to Committee because of the number of objections received, including one from Baginton Parish Council.

The officer was of the opinion that the proposals would have no greater impact on the openness of the Green Belt than the existing use. Furthermore, the proposals were unlikely to have an unacceptable impact on neighbouring residential amenity or highway safety. Therefore, it was recommended that planning permission should be granted.

An addendum circulated at the meeting advised the Committee of a statement that the applicant had requested to be considered in support of the application. It explained that In-Transit were the identified proposed occupiers of Hangar 5 and their relocation was the driver behind the proposals. They were predominantly a road haulage company although they also offered air freight services through their air-freight partners. They were currently based exclusively in the Alvis Estate located immediately to the south west of Coventry Airport's runway. In-Transit's operation included transshipping, storage and the redelivery of goods on a daily basis via their pallet network. They also stored in the region of 300 pallets of bottled water for emergency distribution around the Midlands area. As part of the Coventry Gateway development, their current premises were to be redeveloped and they therefore needed to be relocated. In-Transit had expressed their strong desire to maintain their business and existing workforce within this locality and Hangar 5 had been identified as the only suitable premises available for them to do that. It was in this context that the application had been made.

The following people addressed the Committee:

- Councillor Bush, representing Baginton Parish Council, objecting;
- Ms Goggins, objecting; and
- Councillor Wright, Ward Councillor, objecting.

Members were concerned about the impact the development would have on the neighbouring residential areas, especially in terms of air pollution and noise, should planning permission be granted.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Kennedy and seconded by Councillor Leigh-Hunt that the application should be deferred.

The Committee therefore

**Resolved** that W/19/0599 be **deferred** because no information had been made available to the Committee regarding the air pollution generated by use of the access road and its impact on the neighbouring residential areas.

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

### **43. W/19/0984 – Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114/Whitley Roundabout**

The Committee considered an application from Jaguar Land Rover (JLR) for a proposed removal of condition 13 of planning permission W/16/0239 as amended by W/18/2099 (outline application for the comprehensive development to accommodate offices, research & development facilities and light industrial uses (B1), hotel accommodation (C1), car showroom accommodation, small scale retail and catering establishments (A1, A3, A4 and/or A5), new countryside park, ground modelling work, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping). Condition 13 related to JLR's occupation of the first 8,500 sq.m. of floorspace of the development.

The application was presented to Committee because of the number of objections received, including two from both Baginton and Stoneleigh & Ashow Parish Councils.

The officer was of the opinion that the proposed variation of condition would accord with current planning policies and would not reduce the economic benefits of the proposed development. Therefore, it was recommended that planning permission should be granted for the proposed variation, subject to the completion of a Deed of Variation omitting the same clause related to the occupancy of floor space by Jaguar Land Rover.

An addendum circulated at the meeting advised that additional representations were received from the applicant in response to the comments and concerns raised by the Parish Councillors. These were detailed at pages 3 and 4 in the addendum.

The following people addressed the Committee:

- Councillor Keightley, representing Baginton Parish Council, objecting;
- Mr Elliott, supporting; and
- Councillor Redford, Ward Councillor, objecting.

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

The Committee therefore

**Resolved** that W/19/0984 be **granted** subject to the following conditions:

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

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

- a. the layout of the phase and its relationship with existing adjoining development;
- b. the scale of the buildings;
- c. the appearance of the buildings; and
- d. the landscaping of the site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Demonstrate that the proposals accord with the approved Parameters Plan drawing no. P16-0062-3E and the principles set down in the Design & Access Statement Addendum forming part of the approved application documentation;
2. Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping;
3. Identify those trees to be retained or removed as part of the development and the number and location of new trees to be provided as compensation;
4. Identify locations for public art features;
5. Show the location of each pond;
6. Include design principles in respect of layout, scale, appearance and

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

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

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

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

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

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

- (8) the reserved matters to be submitted in accordance with Condition 1 for each phase



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

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

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

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

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

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

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

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

**Reason:** to ensure that the car showroom and other floorspace falling within Use Classes A1, A3, A4, A5 and C1 is only provided when it is needed to serve the employment uses which

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

primarily comprise the development approved under this permission in accordance with Policy TC2 of the Warwick District Local Plan 2011-2029;

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

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

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

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

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

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

Method Statement and Arboricultural Implications Assessment.

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

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

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

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

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

- (17) prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, will be submitted for approval by the local planning authority. The plan will detail proposals for soil stripping, movement, storage, and spreading and will also identify

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

soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details.

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

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

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

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

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

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

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

The mitigation scheme shall be informed by an assessment of the traffic impacts at this junction and its associated interaction with the A46A45(T) with the scope of this assessment to have been first agreed in writing by the local planning authority. The mitigation scheme approved under this condition shall be implemented in strict accordance with the approved details.

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

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

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

The details to be submitted under this condition shall include:

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

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

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

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

### **Reason:**

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

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

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

- (22) prior to the commencement of drainage works, details of the drainage strategy for the development site and highway works affecting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

- (32) at all times following the completion and opening to traffic of the phase 3 highway works in respect of the new A45 junction between the Festival and Toll Bar Islands, as illustrated on Lawrence Walker Ltd Drawing no. Figure 2 Rev P27 (Site Access Proposed Improvements Phasing) signage, traffic signal or other traffic management arrangements shall be in place on

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

Rowley Road in accordance with details previously submitted to and approved in writing by the local planning authority to discourage vehicles exiting the development from utilising the roundabout element of the completed Highways Agency Tollbar End Improvement Scheme in order to access the strategic highway network.

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

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

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

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

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

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

in the Council Vehicle Parking Standards Supplementary Planning Document.

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

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

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

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

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

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

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

subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

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

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

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

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

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

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

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

above average surrounding ground level as recommended in Table 5.1.

- Provision of floodplain compensation for the new River Sowe bridge on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 7,199m<sup>3</sup>.
- Provision of floodplain compensation for the proposed A46 slip road crossing on a 'level for level' and 'volume for volume' basis as shown in Appendix F to provide a minimum volume of compensation of 2,263m<sup>3</sup>.

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

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

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

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

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

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

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

**Reason:** to ensure that harm resulting from the development can be adequately mitigated in accordance with Paragraph 118 of the NPPF;

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

**Reason:** to safeguard this cultural facility;

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

- i) the Trinity Guild RFC have moved to a new site and playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities have been provided for the club on that site which are at least equivalent in terms of quantity and quality to those which the club currently have on their existing site in accordance with details submitted to and approved in writing by the local planning authority in consultation with Sport England and;
- ii) those playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities on that new site are available for use by the club.

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

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

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

**Reason:** in order to ensure any remains of archaeological importance, which help to increase our understanding of the District's 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;

- (46) no part of the development hereby permitted shall be occupied until:

- i) details of measures to prevent illegal road racing or other anti-social or dangerous use of the roads within the development have been submitted to and approved in writing by the local planning authority; and
- ii) the measures approved under i) have been implemented in strict accordance with the approved details in relation to that part.

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

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

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

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

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

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

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

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

- (50) none of the buildings hereby permitted shall be first occupied until:
- i) a report detailing noise mitigation measures for the development (including noise calculations) has been submitted



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

to and approved in writing by the District Planning Authority; and

- ii) the noise mitigation measures approved under (i) have been implemented in strict accordance with the approved details.

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

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

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

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

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

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

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

- i) a preliminary risk assessment has been carried out (to include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information) and, using this

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

information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;

- ii) a site investigation has been undertaken in accordance with details approved by the local planning authority using the information obtained from the preliminary risk assessment;
- iii) a method statement detailing the remediation requirements (including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation) has been submitted to and approved in writing by the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

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

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

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

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

- (55) no phase of the development shall be first occupied until a verification report demonstrating completion of the works set out

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

in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details.

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

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

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

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

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

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

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

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

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

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

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

- (60) no work shall commence on any of the buildings permitted under this outline planning permission and any subsequent reserved matters approval unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b) a scheme showing how at least 10% of the energy demand of the development and its 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 building shall be first occupied until all the works within this scheme in respect of that building have been completed and thereafter the works shall be

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

retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

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

- (61) prior to occupation of the development hereby permitted details of an improvement scheme at the A46 Stoneleigh junction and a programme defining trigger points for its full implementation shall be submitted to and agreed in writing by the Local Planning Authority following written confirmation of agreement by the Highways Authority for the A46 trunk road. The agreed A46 Stoneleigh junction improvement scheme shall thereafter be fully implemented in accordance with the approved details and programme or any amendments subsequently approved in writing by the Local Planning Authority in consultation with the Highway Authority for the A46 trunk road.

**Reason:** To enable the A46 trunk road to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980.

(The meeting was adjourned for 16 minutes at 8.10pm.)

### **44. W/19/1007 – Land off Leam Street, Royal Leamington Spa**

The Committee considered an application from Ballinger Properties for the proposed construction of two semi-detached cottages.

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

The officer was of the opinion that the proposed semi-detached dwellings had been appropriately designed to sit comfortably within the street scene and Conservation Area. The proposed development would have an acceptable impact on neighbouring residential amenity and would provide adequate living conditions for the future occupiers. Adequate parking had been provided which met the Council's Vehicle Parking Standards and the proposal would not have a harmful impact on protected species. The proposed development should therefore be approved.

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

An addendum circulated at the meeting advised Members of a further objection received from a member of the public which had been circulated to Members on 11 August. In response, officers clarified that the street scheme was read as having a mixture of styles of properties, dating from different periods; 172 Leam Street did not currently benefit from any private amenity areas of their own; and the properties adjacent to the site were in the main, two-storey, some had loft conversions and some had basement areas. However, the distance separations applied as stated in the report were correct.

The following people addressed the Committee:

- Councillor Alty, representing Leamington Town Council, objecting;
- Mr Bartlett, objecting; and
- Councillor Nicholls, Ward Councillor, objecting.

Following consideration of the report, presentation, information contained within the addendum and the representations made at the meeting, it was proposed by Councillor Kennedy and seconded by Councillor Weber that the application should be refused. When being put to vote, the motion was lost. It was proposed by Councillor Morris and seconded by Councillor Sanghera that the application should be granted.

The Committee therefore

**Resolved** that W/19/1007 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 on the site location plan and approved drawings 5214/03G and 5214/04G submitted on 6th June 2019 and drawing 5214/02L submitted on 23rd July 2019, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the parking of

## PLANNING COMMITTEE MINUTES (Continued)

vehicles of site operatives and visitors; hours of work and deliveries; control measures to reduce noise; 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; and details of external work lighting. **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;

- (4) no development and subsequent use of the development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
  - If infiltration is not viable, limit the discharge rate to 1 l/s and provide provision of surface water attenuation storage in accordance with '*Science Report SC030219 Rainfall Management for Developments*'.
  - Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
  - If infiltration is not viable, provide evidence to show an agreement from Severn Trent Water to connect to the existing combined sewer network.
  - Provide and implement a maintenance plan to the LPA giving details on how surface water systems shall be maintained and managed for the life time of the

## PLANNING COMMITTEE MINUTES (Continued)

development. The name of the party responsible, including contact name and details shall be provided to the LPA.

**Reason:** to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Warwick District Local Plan 2011 - 2020 policies FW1 and FW2;

- (5) 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;
- (6) no development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (7) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted 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



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

quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;

- (8) 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 a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;
- (9) the development shall be carried out in accordance with the submitted flood risk assessment (ref 'Flood Risk Assessment for Land at Public House, Radford Road, Leamington Spa, CV31 1JZ' prepared August 2018) and the following mitigation measures:
- Finished floor levels shall be set no lower than 300mm above existing ground levels.
  - Flood resilience to be designed up to 900mm above ground level.
  - No Ground floor sleeping accommodation.
- These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. **Reason:** To reduce the risk of flooding to the proposed development and future occupants in accordance with Warwick District Council Local Plan 2011 - 2029 policy FW1;
- (10) prior to the occupation of the development hereby permitted, the first floor rear facing window in the south elevation serving the bathroom to the western plot shown on the approved plans shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of

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

users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029; and

- (11) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

### **45. W/19/0916 – Wood Corner Cottage, Honiley Road, Beausale**

The Committee considered an application from Mr & Mrs Beaumont for the proposed erection of a three-bay garage and log store.

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

The officer was of the opinion that planning permission to erect the proposed triple bay garage and log store should be refused. The proposed development failed to satisfy the criteria for Local Plan Policies DS18 and Paragraphs 143-145 of the NPPF.

An addendum circulated at the meeting advised that additional information had been received from the applicant. These were a site Location Plan and a letter of correspondence from a Planning officer at WDC which had been included into the Committee Presentation at the request of the applicant.

The following people addressed the Committee:

- Councillor Slatem, representing Beausale, Haseley, Honiley & Wroxall Parish Council, supporting; and
- Mr Beaumont, supporting.

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

The Committee therefore

**Resolved** that W/19/0916 be refused because Wood Corner Cottage was granted permission as a replacement dwelling to Rose Cottage. The replacement dwelling is significantly larger in scale than Rose Cottage and was granted permission on the basis that all outbuildings at the site were demolished and permitted development rights were removed in full so that no further development could take place within the curtilage of the dwellinghouse without the approval of the local planning authority. An approval would also go against the very rationale for the approval of the larger replacement dwelling and would result in harm by reason of inappropriateness and by reason of harm to openness. In the opinion of the Local Planning Authority, the construction of the proposed new building at Wood Corner Cottage represents inappropriate development in the Green Belt, which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

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

**46. W/19/0322 – Land On East Side of Warwick Road, Kenilworth**

The Committee considered an application from Bovis Homes West Midlands Region for a full planning application for residential development of seven dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage & associated works.

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

The officer was of the opinion that the principle of development was acceptable having regard to Policy DS11 and the fact this was allocated site H41 in the Local Plan. The seven units proposed along the site's frontage would be constructed from appropriate materials which reflected the surrounding vernacular and the house types and architectural styles would be characteristic of the surrounding area. There would be no material visual harm arising from the proposals. The development was acceptable in terms of residential amenity to both existing and future occupiers and there would be no detriment to the heritage asset, highway safety, flooding, ecology, air quality, noise and contaminated land. Appropriate conditions imposed would require the submission of necessary information, for example the ball top mitigation proposed along the boundary with the Cricket Club, to ensure the development was acceptable and a subsequent legal agreement would ensure the seven units approved by this scheme would continue to be subject to the same obligations and contributions as set out in the original outline permission. For these reasons, it was recommended that planning permission should be granted.

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

An addendum circulated at the meeting advised that revised landscape drawings had been submitted, and these had been updated alongside the updated emerging proposals for the wider site under the RM application (ref. W/19/0784) and were in line with revised BIA calculations.

The addendum also informed Members that additional information had been submitted in pursuance of some of the pre-commencement conditions, which, if approved prior to the decision being issued, would alter the wording of the relevant conditions from pre-commencement to requiring the development to be carried out in accordance with the approved details. In addition, some of the conditions had been re-ordered / re-numbered to reflect their timings (pre-commencement / pre-occupation) and two had been omitted (18+21) which duplicated the requirements of Condition 3.

The following people addressed the Committee:

- Councillor Coates, Leek Wotton Parish Council, objecting; and
- Mr Love, supporting.

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

The Committee therefore

**Resolved** that W/19/0322 be **granted** subject to a Section 106 Agreement to ensure that the seven dwellings approved by this permission remain subject to the same obligations and terms of the original Section 106 agreement that was agreed as part of the outline permission granted for the wider site (W/17/2150).

Authority is delegated to the Head of Development Services in consultation with the Chair of Planning Committee to finalise the terms of the Section 106 agreement including any variation to, or clarification of, the sums requested where the revised sums meet the relevant statutory test.

In the event that additional information is received in pursuance of any of the pre-commencement conditions before the decision is issued, authority is delegated to the Head of Development Services to re-word such conditions accordingly.

Should a satisfactory Section 106 Agreement not have been completed within one month of the date of decision, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that proposed agreement.

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

### 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:

001, P18-2572\_09 Rev:A, HTPD\_X307 INF, HTPD\_X414-F, HTPD\_X518-F-01, HTPD\_X518-F-02, HTPD\_X520-F-01, HTPD\_X520-F-02, HTPD\_X531-F-01, HTPD\_X531 02, HTPD\_AGD2vt-AGS2vt and HTPD\_AGS2vtX2 and specification contained therein, submitted on 1 March 2019;

Kenill-SK02 Rev.A and specification contained therein, submitted on 1 April 2019;

18/323-01 Rev.E and specification contained therein, submitted on 26 July 2019; and

P18-2572\_08 Rev:E, P18-2572\_10 Rev:B, P18-2572\_11 Rev:B, P18-2572\_12 Rev:B and P18-2572\_13 Rev:B and specification contained therein, submitted on 31 July 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 until:
  1. (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

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

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

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

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

This should be approved in writing by the planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.
3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the planning authority for an addendum to the method statement). This addendum to the method statement must detail how this contamination shall be dealt with.
4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the planning authority that provides verification that the required works

## PLANNING COMMITTEE MINUTES (Continued)

regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.'

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

- (4) the development hereby permitted shall not commence until a scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To protect residents of the development from the adverse effects of traffic noise from the outside the development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
- (5) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for:
- Any temporary measures required to manage traffic during construction
  - Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction
  - Dust management and suppression measures – level of mitigation determined using IAQM guidance
  - Wheel washing
  - Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code

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

of practice for noise and vibration control on construction and open sites – Part 1 and 2

- Concrete crusher if required or alternative procedure
- Delivery times and site working hours
- Site lighting
- Access and protection arrangements around the site for pedestrians, cyclists and other road users
- Restrictions on burning and details of all temporary contractors buildings
- Plant and storage of materials associated with the development process
- External safety and information signing notices
- Complaints procedures, including complaints response procedures and dedicated points of contact
- Best practicable means shall be employed at all times to control noise and dust on the site including:
  - o Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.

o Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

**Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR3 and NE5 of the Warwick District Local Plan 2011-2029;

- (6) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition, appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on
- Item 4 / Page 40



## 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 National Planning Policy Framework (NPPF) and Policy NE2 of the Warwick District Local Plan 2011-2029;

- (7) no part of the development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland, woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF and Policies NE3 and NE4 of the Warwick District Local Plan;

- (8) the development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys for Professional Ecologists– Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

- (9) no part of the development hereby permitted shall commence unless and until an updated reptile survey has been carried out at the appropriate time of year and during appropriate weather conditions, by a suitably qualified ecologist. Appropriate

## PLANNING COMMITTEE MINUTES (Continued)

mitigation measures as recommended following results of the survey to be agreed between the applicant and the District Council (with advice from WCC Ecological Services), and incorporated into the development design. **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;

- (10) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- (11) 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;

- (12) no development shall be carried out above slab level unless and until a detailed surface water drainage scheme for the site, based

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

on sustainable drainage principles, the approved FRA, *Ref.21088/11-17/5100 Rev.A March 2018* and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- 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 8.41l/s for the site.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing, overland flow routing should look to reduce the impact of an exceedance event.
- Provide evidence to show a section 106 agreement from Severn Trent Water to connect to the existing surface water network.
- Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name

## PLANNING COMMITTEE MINUTES (Continued)

and details shall be provided to the LPA.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures;

- (13) no development shall be carried out above slab level unless and until a suitable scheme for the provision of appropriate mitigation measures to be implemented that minimise any risks associated with the proximity of the cricket club to the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details prior to the first occupation of the development hereby permitted. **Reason:** In the interests of visual amenity and to safeguard the amenity of future occupiers in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (14) 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;
- (15) prior to the occupation of the development hereby permitted, the first floor windows in the rear elevations of Plots 4 and 38 shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties

## PLANNING COMMITTEE MINUTES (Continued)

and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029;

(16) the development shall not be occupied until the public highway at Warwick Road has been improved so as to provide for Bus Infrastructure works in accordance with a scheme approved in writing by the Local Planning Authority in consultation with the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

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

(18) 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;

(19) the development hereby permitted shall not be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority". **Reason:** In the interests of Public Safety from fire, and the protection of Emergency Fire Fighters;

(20) no part of the development hereby permitted shall be occupied unless and until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when mixed open space facilities will be incorporated into the development, to include informal open

Item 4 / Page 45

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

space, appropriate children's play facilities, outdoor sport facilities and allotment gardens. The scheme shall be implemented in strict accordance with the approved details and shall be retained thereafter.

**Reason:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029; and

- (21) the development hereby permitted shall not be occupied until details of all external light fittings and external light columns have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition, the District Planning Authority expects lighting to be restricted across ponds and semi-improved grassland and trees/hedgerows and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

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

**Reason:** In accordance with NPPF and Policies BE1 and NE2 of the Warwick District Local Plan 2011-2029.

### **47. W/19/0806 – 14 Rugby Road, Weston under Wetherley**

The Committee considered an application from Mr J Coleman for the erection of a two-storey side extension.

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

The officer was of the opinion that the proposed development would represent a disproportionate addition to the application property which therefore meant that the proposal constituted inappropriate development in the Green Belt which was harmful by definition. It would also be harmful by reason of harm to openness.

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

An addendum circulated at the meeting advised that a further comment of support from the neighbouring property at number 15 Rugby Road had been received.

Mr Braid addressed the Committee, 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 Morris and seconded by Councillor Kennedy that the application should be refused.

The Committee therefore

**Resolved** that W/19/0806 be **refused** because in the opinion of the Local Planning Authority, the proposed development represents a disproportionate addition to the original building and therefore constitutes inappropriate development in the Green Belt which is harmful by definition and by reason of harm to openness. No very special circumstances are considered to exist which outweigh the harm identified.

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

### **48. W/02/1472 – Portobello Works, Emscote Road, Warwick**

The Committee considered an application from Clarion Housing Group for a residential and office development and new road bridge across the River Avon together with appropriate supporting infrastructure.

The application was presented to Committee because it sought approval of a variation to a Section 106 Agreement.

The officer was of the opinion that the acquisition and provision of an additional 72 units for shared ownership use, operated by a Registered Affordable Housing Provider, provided a significant increase in the level of affordable housing on the development site. This increase in overall numbers negated the need for any off-site provision as previously sought.

The proposed changes to the affordable housing provisions of the Section 106 Agreement were considered to be in accordance with the Council's policies and it was therefore recommended that the Section 106 Agreement should be amended to delete the requirement for a financial contribution of £150,000 as requested.

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

The Committee therefore

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

**Resolved** that the Section 106 agreement be revised to allow changes to the affordable housing provision as requested by the applicant, to omit the previously requested financial contribution of £150,000 towards the provision of two additional units of affordable housing within the District as opposed to their provision within the site as required by the agreement.

### **49. W/19/0950 – 65 Home Farm Crescent, Whitnash**

The Committee considered an application from Mr R Margrave for the erection of a single storey side and rear extension following the demolition of the existing car port and conservatory.

The application was presented to Committee because the applicant was a Warwick District Councillor.

The officer was of the opinion that the proposed extensions were considered of an acceptable design and scale for the existing property that would be in keeping with the street scene. The proposed extensions would not present a negative impact on the amenity of the adjacent neighbouring properties with regard to light and outlook.

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

The Committee therefore

**Resolved** that W/19/0950 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 on the site location plan and approved drawings PROPOSED PLANS AND ELEVATIONS, BLOCK PLAN, and specification contained therein, submitted on 6 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; 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



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

visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

(Councillor Heath re-joined the Committee.)

### **50. Urgent Item – W/18/0554 – Waverley Riding Stables, Coventry Road, Cubbington**

The Committee considered an application from Rosconn Strategic Land for the demolition and redevelopment of existing equestrian centre to provide 16 dwellings (Class C3); widening and improvement to existing vehicular access and road off Coventry Road; and provision of associated parking, landscaping and surface water attenuation.

The application was presented to Committee because it involved consideration of a possible Section 106 Agreement. The Chairman of the Committee agreed to consider this item following the publication of the agenda.

The officer was of the opinion that Delegated Authority should be delegated to Officers to agree the content, based on the figures stated in the report, and proceed to signing of the Section 106 agreement.

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

The Committee therefore

**Resolved** that for W/18/0554, authority be delegated to the Head of Development Services to agree the content, based on the figures stated in the report, and proceed to signing of the Section 106 agreement.

### **51. ACT 122/19 – The Master House, Saltisford Road, Warwick**

The Committee considered an application requesting to issue Section 54 and Section 55 Notices: Urgent Works for the Preservation of a Listed Building.

The item was presented to Committee because Members were asked to authorise the issue of a Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 on the relevant parties in respect of The Master's House, Saltisford Road, Warwick, also known as the Leper Hospital, and authorise the Head of Development Services to take all necessary steps to implement the works which appear to be urgently necessary for the preservation of the building.

Planning Committee were also recommended to authorise the issue of a Notice directed at the recovery of the expenses of the above works from the relevant parties under Section 55 of the same Act and authorise the Head of Development Services to take all necessary steps to recover those costs should it become necessary to do so.

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

The officer was of the opinion that Planning Committee should authorise the issue of the Notices in order for the Council to take the steps to implement works which were considered urgently necessary for the preservation of the building and to enable any expenses incurred by the Council to be recovered from the owner.

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

The Committee therefore

**Resolved** that the issuing of notices under Section 54 and 55 under the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of ACT 122/19 as set out in the report be **approved**.

### **52. 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 10.17pm)

CHAIRMAN  
10 September 2019