

Planning Committee

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

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

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

118. Apologies and Substitutes

- (a) There were no apologies.
- (b) Councillor H Grainger substituted for Councillor Mrs Bunker.

119. Declarations of Interest

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

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

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

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

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

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

120. Site Visits

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

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

121. Minutes

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

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

Condition 7

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

Condition 8

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

Condition 23

The mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the Strategic Housing Market Assessment at the point of submission. REASON: To ensure that the housing meets the needs of the District as required by Local Plan Policy H4 of the Warwick District Local Plan 2011-2029 and the NPPF.

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

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

The following people addressed the Committee:

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

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

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 7159-SA-8469-P005 A, 7159-SA-8469-P006 A, COD DT Canopy, McD / 043 /2013 A, MCD / SCH / 1001, and documents "Terrace Equipment", "Fast Electric Charging Points", "Pod Point Datasheets", "Pod Point Installation Guide" and "GPK Kiosks and Enclosures", submitted on 3rd August 2018, drawings Condenser Plans and Elevations, 10551 R5, A1-11667-01 submitted on 7th September 2018, and drawings 7159-SA-8469-P002 E, 7159-SA-8469-P007 E, 7159-SA-8469-P004 G submitted on 21st November 2018 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) the development hereby permitted shall not commence unless and until a detailed surface water drainage scheme for the site, based on the approved FRA *McDonald's Warwick (NB8469)_Glanville_Issue 2_August 2018* sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and brought into use. **Reason:** To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity in accordance with policies FW1, NE2 and BE3 of Warwick

PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 2011 – 2029;

- (4) the development hereby permitted (including any works of demolition) shall not commence unless and until a Construction Method Statement has been submitted to and approved in writing by the local planning authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway; a construction phasing plan; and a HGV routing plan. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;
- (5) the development hereby permitted shall not be brought into use unless and until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been implemented in full in strict accordance with the approved details. **Reason:** In the interests of fire safety;
- (6) the development hereby permitted shall not be brought into use unless and until a detailed maintenance plan giving details on how surface water systems shall be maintained and managed for the life time of the development has been submitted to and approved in writing by the LPA. The name of the party responsible, including contact name and details shall be provided to the LPA within the maintenance plan. The plan shall be implemented and adhered to thereafter. **Reason:** To ensure the future maintenance of the sustainable drainage structures in the interest of policy FW2 of Warwick District Local Plan 2011 – 2029;
- (7) the development hereby permitted shall not be

PLANNING COMMITTEE MINUTES (Continued)

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

- (8) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (9) equipment shall be installed to suppress and disperse smoke, fumes and/or odour produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use. Any mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
- (10) the development hereby permitted shall not be brought into use unless and until the approved low emission strategy, Ref 400/4766, dated 15th October 2018, Planware, has been fully implemented. Thereafter it shall be maintained as such. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
- (11) noise arising from the any plant or equipment

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

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

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

The Committee therefore

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

PLANNING COMMITTEE MINUTES (Continued)

- (6) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 7159-SA-8469-P008H, 7159-SA-8469-P002D, Directional sign type 2 (see you soon), Directional sign type 2 (welcome), Hero poster board type 13, any lane sign type 19, pre sell boards type 7, 2 bay type 11, McD/038/2016, directional sign type 2 (parking), and specification contained therein, submitted on 13th September 2018 and 26th September 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (7) illumination of the signage is restricted to the opening hours of the restaurant. **Reason:** To protect the amenity of local residents.

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

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

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

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

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

The Committee therefore

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

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

PLANNING COMMITTEE MINUTES (Continued)

approved drawings 7159-SA-8469-P002 C, 7159-SA-8469-P009 A, Arch Panel Sign Type 23A, Arch Panel Sign Type 23C, McDonalds / 002 / 2008 Sign 6 and McDonalds / 002 / 2008 Sign 5 and specification contained therein, submitted on 13th September 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and

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

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

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

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

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

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

The Committee therefore

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

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

PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 2011-2029.

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

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

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

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

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

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

The Committee therefore

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

- (6) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 7159-SA-8469-AL02B, 7159-SA-8469-P022H, SIGN TYPE 1A, SIGN TYPE 2, and specification contained therein, submitted on 13th September 2018 and 26th September 2018. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (7) the two freestanding internally illuminated signs to only be switched on during the opening hours of the restaurant. **Reason:** to

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

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

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

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

The Committee therefore

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

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

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

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

The following people addressed the Committee:

- Councillor Alty, Leamington Town Councillor, objecting;

PLANNING COMMITTEE MINUTES (Continued)

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

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

The Committee therefore

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

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

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

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

The Committee therefore

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

- (4) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected species are not harmed by the development in accordance with policy NE2 of the Warwick District Local Plan 2011 – 2029;
- (5) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029;
- (6) prior to the occupation of the development hereby permitted, the first and second floor windows in the west elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029;

PLANNING COMMITTEE MINUTES (Continued)

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

PLANNING COMMITTEE MINUTES (Continued)

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

- (10) the development hereby permitted (including any demolition or site clearance) shall not take place unless and until:
- a) a ground gas risk assessment has been undertaken to supplement the submitted site investigation report (ASL, Report No. 333-18-053-09, dated November 2018) has been submitted to and approved in writing by the local planning authority;
 - b) a method statement detailing the remediation requirements using the information obtained from the submitted site investigation report (ASL, Report No. 333-18-053-09, dated November 2018) and the additional ground gas risk assessment required by criteria (a), has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This must be approved in writing by the local planning authority prior to the remediation being carried out on the site;
 - c) all development of the site shall accord with the approved method statement; and
 - d) upon completion of the remediation detailed in the method statement approved under criteria (b) a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

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

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

The Committee therefore

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

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

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

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

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

The Committee therefore

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

PLANNING COMMITTEE MINUTES (Continued)

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

Conditions:

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

132. **Planning Appeals Report**

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

Resolved that the report be noted.

(The meeting ended at 9.49pm)

CHAIR
29 January 2019