

# Planning Committee

Minutes of the meeting held on Tuesday 24 May 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillors Ashford, Boad, Mrs Bunker, Cooke, Day, Mrs Falp, Mrs Hill, Morris, Naimo, Mrs Stevens and Weed.

**Also Present:** Senior Committee Services Officer – Miss Carnall; Legal Advisor – Mr Howarth; Head of Development Services – Mrs Darke; Planning Officer – Mr Sahota.

## 1. **Apologies and Substitutes**

Councillor Mrs Falp substituted for Councillor Heath.

## 2. **Appointment of Chairman**

It was moved by Councillor Mrs Bunker, and duly seconded that Councillor Cooke be appointed Chairman of Planning Committee.

It was also moved by Councillor Weed, and duly seconded that Councillor Boad be appointed Chairman of Planning Committee.

**Resolved** that Councillor Cooke be elected Chairman of Warwick District Council's Planning Committee for the municipal year 2016/17.

The Chairman welcomed returning Councillors and new Councillors onto the Planning Committee.

## 3. **Appointment of Vice-Chairman**

It was moved by Councillor Mrs Bunker, and duly seconded that Councillor Ashford be appointed Vice-Chairman of Planning Committee.

It was also moved by Councillor Weed, and duly seconded that Councillor Boad be appointed Vice-Chairman of Planning Committee.

**Resolved** that Councillor Ashford be elected Vice-Chairman of Warwick District Council's Planning Committee for the municipal year 2016/17.

## 4. **Declarations of Interest**

Minute Number 6 – W/16/0702 – The Castle Pavilion, Castle Road, Kenilworth

Councillors Mrs Bunker and Cooke declared personal interests because the applicant was known to them.

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

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

Councillors Day and Mrs Stevens advised that they had received emails relating to the application but did not feel that they were predetermined on the matter.

### **Minute Number 10 – W/16/0496 – Former Warwick Printing Co Ltd, Land adjacent to Theatre Street and Bowling Green Street, Warwick**

Councillor Ashford declared an interest because he was a member of Warwick Town Council and would be speaking in objection to the application. He removed himself from the Committee for the duration of the item and left the room once he had addressed Members.

Councillor Morris declared an interest because the application site was in his Ward. He had also been contacted by local residents but did not feel he was pre-determined.

### **Minute Number 11 – W/16/0414 – 41 Mullard Drive, Whitnash**

Councillor Mrs Falp declared an interest because she was present when the application was discussed at Whitnash Town Council's Planning Committee but she had not voted.

## **5. Site Visits**

To assist with decision making Councillors Boad, Mrs Bunker, Cooke, Mrs Hill, Morris, Naimo, Mrs Stevens and Weed had visited the following application sites on Saturday 21 May 2016:

W/16/0482: Former Dairy Crest Depot, Quarry Street, Milverton;  
W/16/0279: Land at Severn Acre Close, Bishop's Tachbrook;  
W/16/0496: Former Printworks, Theatre Street, Warwick; and  
W/16/0702: Castle Pavilion, Castle Road, Kenilworth.

## **6. W/16/0702 – The Castle Pavilion, Castle Road, Kenilworth**

The Committee considered an outline application from Mr Cockburn for the change of use and conversion of an existing building to form a dwelling house with associated residential curtilage.

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

The officer was of the opinion that the previous refusal reasons and the reasons for the previous appeal were considered to have been successfully addressed and in the opinion of the Local Planning Authority, the development was acceptable in principle and did not adversely affect the amenity of nearby residents or highway safety. There was considered to be no significant harm to the nearby heritage assets and although there were no public benefits, the scheme was not considered contrary to paragraph 134 of the NPPF. The proposal was therefore considered to comply with the policies listed.

An addendum circulated at the meeting advised that three further objections had been received from members of the public. WCC

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

Archaeology advised that it had no objection subject to a condition to secure a programme of archaeological work given the potential for archaeological deposits in the area. WCC Highways had also raised no objection with comments provided about access onto Castle Road.

The following people addressed the Committee:

- Councillor Illingworth, objecting on behalf of Kenilworth Town Council and in his capacity as Ward Councillor; and
- Mr Cahill, 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 Weed that the application be refused contrary to the officer's recommendation.

Members felt that the curtilage of the property was too tight and would restrict the amenity for any future residents.

The Committee therefore

**Resolved** that application W/16/0702 be **refused** because the application does not comply with Policy DP2 because curtilage is too tight and there is insufficient external amenity space for a three bedroom property. This would fail to provide adequate levels of amenity for future occupiers.

### **7. W/16/0279 – Land off Seven Acre Close, Bishop's Tachbrook**

The Committee considered an outline application from A C Lloyd (Builders) Limited for up to 50 dwellings together with associated access, public open space and landscaping.

The application was presented to Committee because of the number of objections received, including one from Bishop's Tachbrook Parish Council.

The officer was of the opinion that due to the Council's lack of a five year supply of housing land, Local Plan Policy RAP1 was out of date. Therefore, the NPPF required applications to be considered in the context of the presumption in favour of sustainable development. This stated, at paragraph 14, that where the development plan policies were out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There were three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space and footpaths, and improvements to shared infrastructure.

## PLANNING COMMITTEE MINUTES (Continued)

Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, and enhancement to existing open spaces. The site was in a sustainable location adjacent to the village where residents could access a range of services. It was therefore concluded that the development represented sustainable development by satisfying the three dimensions identified in the NPPF.

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

In the particular circumstances of this application, it was not considered that the impacts on the landscape or the rural area significantly and demonstrably outweighed the benefits of the development. The development was considered to comply with all current Local Plan policies aside from RAP1, which the NPPF advised could not carry any weight. Furthermore the development was considered to comply with the policies of the NPPF, taken as a whole. The presumption in favour of sustainable development carried substantial weight, as did the contribution the development would make to the provision of housing to meet the needs of the District.

An addendum circulated at the meeting provided details as to the current status of the consultation and subsequent results received. A comment from WCC Highways advised that further information and a revised access plan had been submitted, the details of which the Authority considered to be acceptable.

The following people addressed the Committee:

- Councillor Whitwood, objecting on behalf of Bishop's Tachbrook Parish Council; and
- Mr Green, supporting.

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 Bunker that the application be granted subject to an additional condition relating to traffic calming measures. Members also agreed that a note to the applicant should be added to the permission advising that Members would be looking for the dispersal of the affordable houses throughout the site, where practicable.

The Committee therefore

**Resolved** that application W/16/0279 be **granted** subject to the conditions and note to applicant listed below:

## PLANNING COMMITTEE MINUTES (Continued)

- (1) details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in strict accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended);
- (2) application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) the development hereby permitted shall not be commenced 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. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (5) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **Reason:** In the interests of fire safety;
- (6) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;
- (7) no development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in strict accordance with the approved details and shall be retained at all times thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;
- (8) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in strict accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;
- (9) the development hereby permitted shall not commence until a Construction and

## PLANNING COMMITTEE MINUTES (Continued)

Environmental Management Plan (in strict accordance with the British Standard on Biodiversity BS 42020:2013) has been submitted to and approved in writing by the District Planning Authority. The Construction and Environmental Management Plan should include details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (10) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the 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 water bodies, native species planting, wildflower grasslands; 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;
- (11) 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 strict 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

## PLANNING COMMITTEE MINUTES (Continued)

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 Policy DP3 of the Warwick District Local Plan 1996-2011;

- (12) no development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. The scheme shall provide for the lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
  - b. the brightness of lights should be as low as legally possible;
  - c. lighting should be timed to provide some dark periods;
  - d. connections to areas important for foraging should contain unlit stretches.
- The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** To ensure appropriate measures are taken in relation to protected species in accordance with Policy DAP3 of the Warwick district local Plan 1996-2011 and the aims and objectives of the NPPF;

- (13) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in strict accordance with the approved details before the development is completed. The scheme to be submitted shall:
- 1) Provide for Infiltration testing to be undertaken in strict accordance with the BRE 365 guidance to clarify whether or not an



## PLANNING COMMITTEE MINUTES (Continued)

infiltration type drainage strategy is a viable means of managing the surface water runoff from the site.

2) Demonstrate that the surface water drainage system(s) are designed in strict accordance with CIRIA C697, C687 and the National SuDS Standards.

3) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.

4) Demonstrate the provisions of surface water run-off attenuation storage in strict accordance with the requirements specified in *Science Report SC030219 Rainfall Management for Developments*.

5) 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.

6) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

**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 Policies DP3 & DP11 of the Warwick District Local Plan 1996-2011;

- (14) 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: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection

## PLANNING COMMITTEE MINUTES (Continued)

and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

- (15) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) 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 Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (16) the building heights of dwelling house submitted under the reserved matters stage shall not exceed two-storey. **Reason:** To secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (17) any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s)

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

and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in strict accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

**Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (18) the mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites".
- Reason:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF; and

- (19) traffic calming measures to be included throughout the site.

Note to applicant: The Committee would like to see the dispersal of the affordable housing throughout the site where practicable.

### **8. W/16/0463 – Land at Fosse Wharf Farm, Fosse Way, Offchurch**

The Committee considered an outline application from Blackdown Growers Marketing Ltd for the erection of an agricultural building (1,650 sqm) and glasshouse (17,400 sqm) with associated vehicular access and landscaping.

The application was presented to Committee at the request of Councillor Doody.

The officer was of the opinion that the proposed agricultural development was considered to be acceptable in principle in this location. The proposals would have an acceptable impact on the living conditions of nearby dwellings and on the rural landscape. Furthermore, the proposals were considered to be acceptable in terms of drainage and flood risk and in terms of highway safety. Finally, it had been concluded that the proposals would have an acceptable ecological impact and an acceptable impact on

## PLANNING COMMITTEE MINUTES (Continued)

the adjacent canal. Therefore, it was recommended that planning permission be granted.

An addendum circulated at the meeting summarised further comments received from the public and advised that the Environment Agency had no objection.

The following people addressed the Committee:

- Mr Deith, objecting;
- Mr Holmes, supporting; and
- Councillor Doody in his capacity as Ward Councillor.

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

The Committee therefore

**Resolved** that application W/16/0463 be **granted** subject to the conditions listed below:

- (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 application form, site location plan and approved drawing(s) 101A, 662A/1 & 2016-001, and specification contained therein, submitted on 10 March 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) prior to the commencement of development a scheme for the offsetting of biodiversity

## PLANNING COMMITTEE MINUTES (Continued)

impacts at the site shall be submitted to and approved in writing by the local planning authority. The offsetting scheme shall include:

- (a) the identification of receptor site(s);
- (b) details of the offset requirements of the development in accordance with the recognised offsetting metrics standard;
- (c) the provision of contractual terms to secure the delivery of the offsetting measures; and
- (d) a management and monitoring plan (to include for the provision and maintenance of such offsetting measures for not less than 25 years from the date of this permission).

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

**Reason:** To ensure no net loss of biodiversity in accordance with the NPPF;

- (5) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the Local Planning Authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all retained trees and hedgerows on the site, or those trees and hedgerows whose root structure may extend within the site. In particular 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 retained trees or hedgerows; no equipment, machinery or structure shall be attached to or supported by any retained trees or hedgerows; 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 be carried out in such a way as to cause damage or injury to the trees or hedgerows by interference with their root structure and 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 trees or hedgerows. **Reason:** To protect those trees and hedgerows which

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

are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (6) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in strict accordance with the approved details before the development is completed. The scheme to be submitted shall:

(a) 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;

(b) demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753 as well as CIRIA C697, C687 and the National SuDS Standards;

(c) limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to a maximum of 7.4l/s (Qbar Greenfield runoff rate) for the site (as a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site);

(d) demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments';

(e) 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); and

(f) confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term

## PLANNING COMMITTEE MINUTES (Continued)

operation at the designed parameters.

**Reason:** To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy DP11 of the Warwick District Local Plan 1996-2011;

- (7) the development hereby permitted shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the local planning authority expects to see details concerning pre-commencement checks for protected and notable species and subsequent mitigation as deemed appropriate. In addition this should include details of appropriate working practices and safeguards for other wildlife and habitats that are to be employed whilst works are taking place on site. The approved Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan;
- (8) no development shall take place until a Method Statement detailing all proposed earthmoving, excavation, demolition and construction works within 20 metres of the toe of the adjacent Grand Union Canal embankment, including identification of potential adverse impacts on the canal embankment arising from such works and the proposed means of mitigating any such impacts, has first been submitted to and approved in writing by the local planning authority. The development shall thereafter only be carried out in strict accordance with the approved Method Statement and the mitigation measures identified therein. **Reason:** In the interests of minimising the risk of creating land instability which would adversely affect the structural integrity of the adjacent Grand Union Canal and canal embankment, in accordance with the NPPF;
- (9) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has

## PLANNING COMMITTEE MINUTES (Continued)

been submitted to and approved in writing by the local planning authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;

- (10) all existing tree(s) and shrub(s) on the site shall be retained and shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those 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 Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (11) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the



## PLANNING COMMITTEE MINUTES (Continued)

first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011; and

- (12) the development hereby permitted shall not be occupied until a Landscape Management Plan has been submitted to and approved in writing by the local planning authority. This shall include details of how the proposed landscaping will be maintained following planting, including details of weed control and replacement of plant failures. The approved Landscaping Management Plan shall thereafter be implemented in strict accordance with the approved details. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

The Chairman adjourned the meeting at 7:55pm for a short comfort break. The meeting resumed at 8:11pm.

### 9. **W/16/0482 – Former Dairy Crest Depot, Quarry Street, Milverton**

The Committee considered an outline application from Dairy Crest Limited for the demolition of existing industrial buildings (Use Class B8), erection of 18 dwellings and change to the existing access.

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 a redevelopment of this site was considered to be acceptable in principle and in accordance with Local Plan Policy SC2. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings whilst also providing a satisfactory

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

living environment for future occupants. The proposals would have an acceptable impact on the character and appearance of the area and the proposals were considered to be acceptable in terms of car parking and highway safety. Furthermore, the proposals were considered to have an acceptable ecological impact. Therefore, it was recommended that planning permission be granted.

The following people addressed the Committee:

- Ms Gallagher, objecting;
- Mr Quinney, objecting;
- Mr Christopher, supporting;
- Councillor Gifford, objecting in his capacity as Ward Councillor; and
- Councillor Miss Grainger, objecting in her capacity as Ward Councillor.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Stevens that the application be granted.

The Committee therefore

**Resolved** that application W/16/0482 be **granted** subject to the conditions listed below:

- (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 application form, site location plan and approved drawing(s) QUS-DS-01-GF-DR-A-P002 Rev P4, QUS-DS-01-GF-DR-A-P100 Rev P1, QUS-DS-01-GF-DR-A-P101 Rev P1, QUS-DS-01-GF-DR-A-P102 Rev P3, QUS-DS-01-GF-DR-A-P200 Rev P2, QUS-DS-01-GF-DR-A-P201 Rev P2, QUS-DS-01-GF-DR-A-P202 Rev P2, QUS-DS-01-GF-DR-A-P300 Rev P2, QUS-DS-01-GF-DR-A-P, QUS-DS-01-GF-DR-A-P, and specification contained therein, submitted on 15 March 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a

## PLANNING COMMITTEE MINUTES (Continued)

satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (4) no part of the development hereby permitted shall be commenced until a scheme for the provision of suitable bird and bat boxes has been submitted to and approved in writing by the local planning authority. The scheme shall include details of box type, location and timing of works. The bird and bat boxes shall be installed in strict accordance with the approved details and shall be retained at all times thereafter. **Reason:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (5) no development shall commence until a detailed lighting scheme for the site has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- (a) low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;
  - (b) the brightness of lights should be as low as legally possible;
  - (c) lighting should be timed to provide some dark periods; and
  - (d) connections to areas important for foraging should contain unlit stretches.

No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

**Reason:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in

## PLANNING COMMITTEE MINUTES (Continued)

accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011;

- (6) no development shall commence 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 DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (7) prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

## PLANNING COMMITTEE MINUTES (Continued)

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.

**Reason:** To ensure the protection of controlled waters and to prevent pollution in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011;

- (8) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the anticipated movements of vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance; 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 DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;
- (9) no development shall commence until details of measures to protect residents of the development from excessive traffic and commercial noise entering habitable rooms or garden areas have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved

## PLANNING COMMITTEE MINUTES (Continued)

details. **Reason:** To ensure that occupants of the development are not adversely affected by traffic and commercial noise, in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (10) immediately prior to the commencement of demolition works (on the same day) the interior of the smaller of the two existing buildings on the site and all potential access features in both buildings identified in the Bat Presence/Absence Survey produced by Innovation Group Environmental Services (August 2015) shall be inspected by a suitably qualified bat worker. 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 shall 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 DP3 of the Warwick District Local Plan 1996-2011;
- (11) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (12) no development shall commence until details of all retaining walls have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the details approved under this condition. **Reason:** For the avoidance of doubt and to ensure a satisfactory design and appearance for the development, in accordance with Local Plan

## PLANNING COMMITTEE MINUTES (Continued)

Policy DP1;

- (13) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;
- (14) the development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (15) the development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;
- (16) for the duration of construction works no heavy goods vehicles shall enter or leave the site between 0700 hours and 0900 hours or between 1600 hours and 1800 hours on Mondays to Fridays. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (17) 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 DP6 & DP8 of the Warwick District Local Plan 1996-2011; and
- (18) the access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.



## PLANNING COMMITTEE MINUTES (Continued)

### 10. **W/16/0496 – Former Warwick Printing Co Ltd, Land adjacent to Theatre Street and Bowling Green Street, Warwick**

The Committee considered an outline application from Waterloo Housing Group for the demolition of the Warwick Printing Co building and single storey building to Bowling Green Street and Market Street. The application included the erection of 39 apartments with associated parking and open space (revised application of W/14/0746, 2 no additional apartments).

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

In the opinion of the Local Planning Authority, the additional apartments and changes to the design and height of the permitted building would not result in significant harm to nearby residents, or to the character and appearance of the Conservation Area. As with the permitted scheme, it was considered that the revised proposals would provide a high quality development providing significant regeneration benefits for this part of Warwick town centre, whilst at the same time providing 39 affordable residential units and therefore the proposal was considered to comply with the policies listed.

An addendum circulated at the meeting provided a summary of an objection received from a member of the public.

The following people addressed the Committee:

- Councillor Ashford, objecting on behalf of Warwick Town Council;
- Mr Mackay, objecting on behalf of CAF;
- Mr Brown, objecting;
- Mrs Butcher, objecting; and
- Mr Wood, supporting.

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 Weed that the application be granted.

The Committee therefore

**Resolved** that application W/16/0496 be **granted** subject to the conditions listed below:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 050; 051; 052, 053 Rev B and 054 and specification contained

## PLANNING COMMITTEE MINUTES (Continued)

therein, submitted on 17 March 2016.

**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) 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. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall only be undertaken in strict accordance with a scheme of site investigation of the nature and extent of contamination within the application site that has been undertaken in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall not be occupied until remediation measures have been carried out in full accordance with such

## PLANNING COMMITTEE MINUTES (Continued)

approved details and a soil validation report has been submitted to and approved in writing by the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (6) the development shall not begin until a scheme detailing the affordable housing provisions has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall be retained as such at all times thereafter and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- the tenure split;
- the arrangements for the management of the affordable housing;
- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason:** Since planning permission has only been granted for residential development on this employment site on the grounds that the development is for 100% affordable housing, in accordance with Policies SC1, SC2 & SC11 of the Warwick District Local Plan 1996-2011;

- (7) no development shall take place until the applicant, or their agents or successors in title, has secured 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. **Reason:** To ensure that any archaeological remains are recorded in accordance with Policy DP4 in the Warwick District Local Plan 1996-2011;

- (8) the development hereby permitted shall not commence until drainage plans for the disposal

## PLANNING COMMITTEE MINUTES (Continued)

of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. **Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution;

- (9) prior to the first occupation of the development hereby permitted, the building shall be insulated in strict accordance with a scheme of works which have been submitted to and approved in writing by the local planning authority and thereafter such works shall not be removed or altered in any way. **Reason:** To ensure that the level of external noise is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of the apartments, in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (10) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of any proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the

## PLANNING COMMITTEE MINUTES (Continued)

local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (11) 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 prior to the commencement of the development hereby permitted. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;
- (12) none of the apartments hereby permitted shall be occupied unless and until the car parking provision has been constructed and laid out, and made available for use by the occupants and thereafter those spaces shall be retained for parking purposes. **Reason:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the

## PLANNING COMMITTEE MINUTES (Continued)

interests of highway safety and the satisfactory development of the site in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011;

- (13) the development hereby permitted shall not be occupied unless appropriate off street car parking facilities have been provided. These parking facilities shall be kept free for the parking of vehicles for the duration of the occupation of the development hereby permitted. **Reason:** To ensure that there is adequate parking is available, in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011;
- (14) the development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (15) the gradient of the access for vehicles to the site shall not be steeper than 1 in 15 at any point as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (16) the access to the site for vehicles shall not be used in connection with the development until they have been surfaced with a suitable bound material for a distance of at least 15 metres as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (17) the access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (18) no Gates/barriers/doors shall be erected at the

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

entrance to the site for vehicles/heavy goods vehicles. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (19) the Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (20) the development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and
- (21) the development hereby permitted shall include the provision of additional pedestrian footways to be located within the area hatched black within the site as identified on the plan number 050 attached to this decision in accordance with a scheme which has been submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. **Reason:** In the interests of pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996 - 2011.

### **11. W/16/0414 – 41 Mullard Drive, Whitnash**

The Committee considered an outline application from Mr Kooner for the erection of two story and single storey side and rear extensions.

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

The officer was of the opinion that whilst the proposed extension was large it complied with adopted policies and guidance. The application was considered to accord with Policies DP1 & DP2 of the Warwick District Local

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

Plan 1996 - 2011 and the Residential Design Guide SPG and therefore would not cause material harm to the surrounding occupiers through visual intrusion or loss of light. The extension had been designed in line with the character of the existing property and therefore would not introduce an incongruous feature within the street scene.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Stevens that the application be granted.

The Committee therefore

**Resolved** that application W/16/0414 be **granted** subject to the conditions listed below:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 02C, 03 and specification contained therein, submitted on 3rd March and 10th May 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how 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. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick



## PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 1996-2011;

- (4) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) 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 Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and
- (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 DP1 of the Warwick District Local Plan 1996-2011.

Following the conclusion of this item, Councillor Mrs Falp suggested that this was an application site that might be worth revisiting on 'quality site visits'. The Committee agreed that this should be added to the list.

### 12. **Current Appeals Report**

The Committee received a report, circulated at the meeting, that outlined the current enforcement matters and appeals.

**Resolved** that the report be noted.

### 13. **Quarterly Appeals Report**

The Committee received a report, circulated at the meeting that outlined the enforcement matters and appeals dealt with over the past quarter.

**Resolved** that the report be noted.

## PLANNING COMMITTEE MINUTES (Continued)

### 14. **Minutes**

The minutes of the meeting held on 25 and 26 April 2016 were agreed and signed by the Chairman as a correct record.

(The meeting ended at 9.55 pm)