

Planning Committee

Minutes of the meeting held on Tuesday 15 August 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Boad, Mrs Bunker, D'Arcy, G Cain, Day, Edgington, Heath, Morris, Mrs Stevens and Weed.

Also Present: Committee Services Officer – Mrs Dury; Legal Advisor – Mr Howarth; Head of Development Services – Mrs Darke; and Manager, Development Services – Mr Fisher.

51. Apologies and Substitutes

(a) There were no apologies.

(b) Councillor G Cain substituted for Councillor Mrs Hill.

52. Declarations of Interest

There were no declarations of interest.

Minute Number 55 – W/17/0526 – 9 Old Square, Warwick

Councillor Edgington declared an interest because the application was discussed by Warwick Town Council Planning Committee. He was not present when this occurred.

Minute Number 56 – W/17/0527 LB – 7 and 9 Old Square, Warwick

Councillor Edgington declared an interest because the application was discussed by Warwick Town Council Planning Committee. He was not present when this occurred.

Minute Number 60 – W/17/0953 – 52 Queen Street, Cubbington

Councillor Mrs Stevens declared an interest because she attended Cubbington Parish Council meetings and part of Cubbington was in her Ward.

Minute Number 61 – W/17/1091 – 47 Cubbington Road, Lillington

Councillor Cain declared an interest because the application site was in his Ward and he had discussed the application as a Member of the Warwick District Conservation Advisory Forum. He stated that he would not make any comments or vote.

Councillor Mrs Stevens declared an interest because the application site was in her Ward. She was also a member of Lillington Local History Society and she would be addressing the Committee on this application. She sat with members of the public whilst this application was discussed.

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Minute Number 67 – W/17/1068 – 3 Archers Row, Acre Close, Whitnash

Councillor Mrs Bunker declared an interest during discussions of this application when she realised that she might know the applicant. She did not participate further in debate of the application and she did not vote.

Councillor Heath declared an interest because the application site was in his Ward and he knew the applicant. He left the room whilst this application was discussed.

53. Site Visits

There were no site visits, but during discussion of application W/17/0953 – 52 Queen Street, Cubbington, Councillor Cain stated that he had driven by the property to view from the outside.

54. Minutes

The minutes of the meeting held on 18 July 2017 were taken as read and signed by the Chairman as a correct record.

55. W/17/0526 – 9 Old Square, Warwick

This application was withdrawn by the applicant.

56. W/17/0527/LB – 7 and 9 Old Square, Warwick

This application was withdrawn by the applicant.

57. W/17/1000 – 23 St Mary's Road, Royal Leamington Spa

Following the withdrawal of Royal Leamington Spa Town Council's objection, the application was withdrawn from the agenda and was determined under delegated powers.

58. W/17/1009 – Durham Ox, 111 Shrewley Common, Shrewley

This application was withdrawn from the agenda following the provision of additional information from the applicant providing details of the special circumstances case and the revision of the proposal to include the removal of an existing outbuilding. Officers were satisfied that in the particular circumstances of this case, planning permission could now be granted under delegated powers.

59. W/17/0755 – House, 97A Warwick Street, Royal Leamington Spa

The Committee considered a retrospective application from Citycorp Holdings Limited for a change of use of the first and second floors to a HMO (use Class C4).

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

The officer was of the opinion that following the submission of an appropriate waste management solution, it was considered that the

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previous reason for refusal had been overcome and it was therefore recommended that planning permission should be granted.

Miss Hingley addressed the Committee in support of the application. (A Town Councillor who had registered to speak against the application, on behalf of the Town Council, had notified the District Council on the day of the meeting that he no longer wished to make further representations in light of the amendments that had been made to the application.)

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

The Committee therefore

Resolved that W/17/0755 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on 26th April 2017 and approved drawings 170020 FP, and specification contained therein, submitted on 1st June 2017.
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;
- (2) the development hereby permitted shall proceed only in strict accordance with the recommendations of a noise assessment, which shall be submitted in accordance with the principles of PPG24 'Planning & Noise'. The noise assessment shall include results for LAeq, LA10, and LA90 noise descriptors, together with a calculated arithmetical average for the LAeq. The assessment will demonstrate by calculation that internal noise levels for the proposed residential property meet the 'Good' criteria set out in British Standard 8233 'Sound Insulation and Noise Reduction for Buildings' together with any mitigation measures that are required to achieve this. The report shall also demonstrate that outdoor garden and leisure areas associated with this development meet the 55dB limit as required by the World Health Organisation (WHO). The survey shall be submitted within 3 months of the decision date. Any necessary mitigation measures shall have been implemented in full accordance with the recommendations of the noise assessment within 3 months of the approval of this

PLANNING COMMITTEE MINUTES (Continued)

condition and thereafter shall not be removed or altered in any way without the prior written approval of the local planning authority.

Reason: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and

- (3) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011.

60. W/17/0953 – 52 Queen Street, Cubbington

The Committee considered an application from Mr Soden for the proposed change of use from shop to a single two-bed dwelling.

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

The officer was of the opinion that the proposed change of use would not adversely affect the character and appearance of the area, the special qualities, character and appearance of the conservation area and would not have a detrimental impact on local residents. However, the principle of development was contrary to the relevant provisions of the Development Plan and emerging Local Plan and notwithstanding the information that had been submitted regarding the loss of the shop, the proposed change of use to a dwelling did not represent a community facility or service nor was there any justification as to what local need this proposal would satisfy. For these reasons the development would therefore be contrary to saved Local Plan policy UAP4 and emerging Local Plan policy TC17 as it would not replace the loss of the shop with an alternative community service or facility.

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Mr Baldwin addressed the Committee in support of the application.

The Chairman confirmed with Mr Baldwin that the property had been vacant, off and on, for four and half years. It had also been let for a short period of time.

A motion to grant permission was defeated. Members felt it was important to adhere to policy so that a precedent was not set for future applications of this nature. They noted Mr Baldwin's statement that the property had only been marketed for commercial use for six months and felt that a minimum term of 12 months' marketing was appropriate to consider a change of use.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Boad that the application should be refused.

The Committee therefore

Resolved that W/17/0953 be **refused** because saved policy UAP4 of the Warwick District Local Plan 1996-2011 and emerging policy TC17 of the New Warwick District Local Plan 2011-2029 both seek to protect local shopping centres, stating that changes of use from A-class uses to all other uses will not be permitted unless the proposal is for a community service or facility which can be demonstrated to meet a particular local need and which can be satisfactorily controlled by a planning condition.

The proposal seeks to change the existing retail unit (use class A1) to a residential dwelling (use class C3). Notwithstanding the information that has been submitted regarding the loss of the shop, the proposed change of use to a dwelling does not represent a community facility or service nor is there any justification as to what local need this proposal would satisfy. The loss of the shop and its change of use to a dwelling is therefore not considered to be acceptable in principle.

For these reasons the Local Planning Authority considers the development is contrary to saved policy UAP4 of the Warwick District Local Plan 1996-2011 and emerging policy TC17 of the New Warwick District Local Plan 2011-2029

61. W/17/1091 – 47 Cubbington Road, Lillington

The Committee considered an application from Mr and Mrs Scale for the demolition of numbers 43-47 Cubbington Road, Royal Leamington Spa and the erection of one replacement residential dwelling together with the demolition of an existing garage block and the erection of a two-storey garage block (amendments to planning approval reference W/16/0286).

PLANNING COMMITTEE MINUTES (Continued)

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

The officer was of the opinion that the proposal would not have a detrimental impact on the street scene or character of the Conservation Area. The development would have no adverse impact on neighbours. The application was thereby considered to adhere to the objectives of the local plan policies listed and should be approved.

An addendum circulated at the meeting outlined additional comments received from a local resident and Historic England. Officer comments to these were outlined in the addendum. In overall terms, it was considered that the proposal outweighed the limited harm to the character of the Conservation Area. The Conservation Officer had requested additional conditions to be added to any approval granted.

The Head of Development Services listed out additional conditions to form part of the recommendation for approval of this application as:

- facing materials to be agreed and samples of facing materials to be provided;
- roofing materials to be agreed and samples of roofing materials to be provided;
- large scale details of window and external door designs and materials to be submitted and agreed;
- removal of all Permitted Development Rights; and
- to make good any impact of the neighbouring property.

The following people addressed the Committee:

- Mr Brain, speaking in support of the application; and
- Councillor Mrs Stevens, Ward Councillor, objecting to the application.

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

The Committee therefore

Resolved that W/17/1091 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 700284-PL-004C, 700284-PL-005C, 700284-PL-006C, 700284-PL-007C
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and 700284-PL-008B, and specification contained therein, submitted on 12th June 2017. **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) no works shall take place unless a programme to photographically record the internal and external building fabric to be demolished as part of the approved works has been submitted to and approved in writing by the local planning authority and the approved programme has been implemented. **Reason:** To ensure the appropriate recording of features or buildings before development commences that are Important to the understanding of the Districts historical development in accordance with Policy DAP4 & DP3 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 colour finishes) 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 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 CO² 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
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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;

- (6) 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;
- (7) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows or doors shall be inserted at ground or first floor level in the ancillary accommodation/garage/workshop. **Reason:** Due to the nature of the development and its relationship with adjoining properties it is considered important to ensure that no additional windows or doors are provided without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;
- (8) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation (*Updated Tree Report for 43-47 Cubbington Road, Leamington Spa, Warwickshire, CV32 7AA* completed by Cotswold Wildlife Surveys and submitted to the Local Authority on 2nd August 2017) have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless

PLANNING COMMITTEE MINUTES (Continued)

otherwise agreed in writing by the local planning authority. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (9) the hereby approved shutters serving the garage block shall be installed prior to occupation, and shall be installed in such a way that they cannot open fully, providing an obscure view from the garage. The shutters shall remain in perpetuity unless otherwise agree in writing by the Local Authority.

Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and

- (10) conditions stipulated in the addendum and at the meeting:

- facing materials to be agreed and samples of facing materials to be provided;
- roofing materials to be agreed and samples of roofing materials to be provided;
- large scale details of window and external door designs and materials to be submitted and agreed;
- removal of all Permitted Development Rights; and
- to make good any impact of the neighbouring property.

62. **W/17/0864 – Former Dairy Crest Depot, Quarry Street, Milverton, Royal Leamington Spa**

The Committee considered an application from Deeley Homes for a minor material amendment to planning permission W/16/0482 to include minor changes to the design and layout of the dwellings, boundary treatments, parking areas and the tenure of the affordable units. Planning Permission W/16/0482 was for the erection of 18 dwellings.

The application was presented to Committee because it was recommended that planning permission should be granted subject to the completion of a legal agreement.

The officer was of the opinion that the proposed amendments would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Furthermore the proposals were considered to be acceptable in terms of car parking and highway safety and in terms of affordable housing and section 106 contributions. Therefore it was recommended that planning permission should be granted for the proposed amendments.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report and presentation it was proposed by Councillor Boad and seconded by Councillor Bunker that the application should be granted subject to the completion of a satisfactory Section 106 Agreement. Delegated authority was given to the Head of Development Services to refuse planning permission if the Section 106 had not been agreed by 4 September 2017.

The Committee therefore

Resolved that W/17/0864 be **granted** subject to conditions, listed below, and subject to the completion of a satisfactory Section 106 Agreement. Should a satisfactory Section 106 Agreement not have been completed by 4 September 2017, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

Approved 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 application form, site location plan and approved drawing(s) 3412-115A, 3412-121A, 3412-125A, 3412-126A, 3412-130A & 3412-131A, and specification contained therein, submitted on 11 May 2017. **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) 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

PLANNING COMMITTEE MINUTES (Continued)

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 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
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development shall be carried out in strict accordance with these approved details.

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.

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.

PLANNING COMMITTEE MINUTES (Continued)

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 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
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PLANNING COMMITTEE MINUTES (Continued)

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) 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 Policy DP1;
- (12) 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 CO² 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;
- (13) the development hereby permitted shall only

PLANNING COMMITTEE MINUTES (Continued)

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 existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted 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
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surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (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.

63. W/17/0894 – Land South of Gallows Hill / West side of Europa Way, Warwick

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Gallagher Estates Limited to vary and omit conditions to reflect the revised access location and the submission of a site-wide design code and the phased nature of the development.

The application was presented to Committee because an objection had been received from Royal Leamington Spa Town Council and because of the need to vary the associated Section 106 Agreement.

The officer was of the opinion that the variation of the conditions proposed was considered to be an appropriate and pragmatic response to changing circumstances as the more detailed aspects of the proposals began to come forward and was considered to be acceptable.

An addendum circulated at the meeting outlined of alterations to the wording of some of the conditions listed in the report and an update to the recommendation in the report.

Members also agreed that condition 11 should be removed and officers should ensure that the necessary requirements from this condition in respect of the buffer should be incorporated into condition 8, in consultation with the Chair of Planning committee.

Following consideration of the report, presentation, and the information contained in the addendum, it was proposed by Councillor Mrs Bunker and seconded by Councillor Edgington that the application should be granted as per the recommendations in the report and addendum and their discussions on condition 11 being incorporated into condition 8.

The Committee therefore

Resolved that W/17/0894 be **granted** in accordance with the recommendations in the report, subject to the completion of a satisfactory Section 106 Agreement. If a satisfactory Section 106 Agreement has not been completed by 4 September 2017, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

Authority is delegated to the Head of Development Services in consultation with the Chair of Planning Committee to:

- i. make any minor changes that become necessary to the wording of the conditions prior to the issue of the decision notice following the signing of the Section 106 Agreement; and
- ii. approve the Design Code for the site following the completion of a number of minor changes which are currently being finalised.

Approved conditions:

PLANNING COMMITTEE MINUTES (Continued)

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

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 14 January 2016. **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 14 January 2016 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) no dwellings shall be occupied until the access to the site from Europa Way has been located and laid out in general accordance with drawing number C14171/SK084/P4-Europa Way Junction General Arrangement with existing trees. **Reason:** To ensure that appropriate access is provided to the site in the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (5) if the junction to the north as approved under planning permission ref: W/14/0967 has been implemented the access to the site from Gallows Hill shall be located and laid out in general accordance with drawing C16133 705 P1; or alternatively if the junction to the north has not been implemented that access shall be located and laid out in general accordance with drawing number C1471-614-p1. **Reason:** To

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ensure that appropriate access is provided to the site in the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;

- (6) the access to the site for occupants'/residents' vehicles shall not be used in connection with the development until it has been surfaced with a suitable bound material for its whole length. **Reason:** To ensure that appropriate access is provided to the site in the interest of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (7) the subsequent reserved matters applications for any phase of the development shall be submitted in accordance with a Site Wide Design Code which has been approved in writing by the Local Planning Authority. **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;
- (8) no phase of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until the details identified within the approved Arboricultural Impact Assessment and Method Statement submitted on 22 May 2017 have been implemented in full for the protection of all existing trees and hedges to be retained on site in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until that phase of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

Officers in consultation with the Chair of Planning Committee will add wording to this condition to incorporate the necessary requirements from condition 11 (detailed in the Item 4 / Page 19

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report that went to Planning Committee 15 August 2017), in respect of the landscape buffer;

- (9) no phase of the development hereby permitted shall, for that phase of the development, commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan shall also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full for the phase of development. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (10) no phase of the development hereby permitted (including vegetation clearance) shall commence until further breeding bird surveys of the site have been carried out and a detailed mitigation plan including a schedule of works and timings for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (11) Condition as set out in the agenda is removed and combined within condition 8 above;
- (12) no phase of the development hereby permitted shall commence until a Construction and Environmental Management Plan (CEMP) in accordance with BS 42020:2013 has been submitted to and approved in writing by the local planning authority for that phase of the development. In discharging this condition the

PLANNING COMMITTEE MINUTES (Continued)

LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan for that phase of the development shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (13) no development shall take place under any relevant phase of the development (other than Sub-phase A – Europa Way Highways Works) until a detailed lighting scheme for that phase which shall use low energy lighting has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

a. low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;

b. the brightness of lights should be as low as legally possible;

c. lighting should be timed to provide some dark periods; and

d. connections to areas important for foraging should contain unlit stretches.

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

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

(14) no phase of the development hereby permitted shall take place on site until the applicant, or their agents or successors in title, has secured the works as identified within the written scheme of investigation submitted on 11 January 2017 and approved in writing by the Local Planning Authority for each relevant phase. **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;

(15) no phase of the development shall take place unless and until:

a. A site investigation has been designed for the relevant phase using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

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

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

c. A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the This should be approved in writing by the planning authority prior to the

PLANNING COMMITTEE MINUTES (Continued)

remediation being carried out on the site. All development of the site shall accord with the approved method statement. If during development of each relevant phase, contamination not previously identified, is found to be present at the site then no further development within that phase shall take place until an addendum to the method statement addressing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the LPA. Prior to the commencement of each relevant phase of the development, a report shall be submitted to the Local Planning Authority that provides verification that the required works, regarding contamination for that part of the site, have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

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

- (16) 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;

- (17) no residential phase of the development hereby permitted shall be commenced unless and until a scheme showing how at least 10% of the predicted energy requirement of the development of that phase will be produced on or near to the site from renewable energy resources, has been submitted to and approved in writing by the Local Planning Authority. The residential phase of development shall not be first occupied until all the works within the approved scheme have

PLANNING COMMITTEE MINUTES (Continued)

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;

- (18) no phase of the development hereby permitted shall be carried out other than in strict accordance with the details of surface and foul water drainage works and a detailed scheme for the disposal of surface water (incorporating where possible Sustainable Urban Drainage principles) for that phase which shall have been submitted to and approved in writing by the local planning authority. Details to be submitted shall include:

a. a detailed design flood risk assessment for the site to incorporate both fluvial and pluvial flooding mechanisms and any effects on existing water bodies or drainage systems including:- plans showing the existing and proposed drainage systems including levels, sizes, material, fall and construction details and standards in comparison to finished floor levels along with Manhole schedules;

b. Plans defining the water catchment areas for the site including the offsite catchment areas that contribute to the drainage areas. This plan should show areas of impermeable and permeable surfaces of the proposed site including calculations of these areas in a clear labelled table;

c. The applicant is to provide calculations/models of pipe flows, discharge rates from the site and flood storage volume and design water levels reducing the off-site discharge rates to mimic existing greenfield run off rates. This should include calculations for 1 in 1 year, 1 in 30 and 1 in 100 year + 30% climate change allowance;

d. Provide calculations and percolation test results carried out on the site for the infiltration of water (if used), i.e. soakaways, swales, ponds with photos and attached report;

e. To provide plans long and across sections

PLANNING COMMITTEE MINUTES (Continued)

through the site and a plan showing overload flow paths with arrows for storm events that exceed the capacity of the drainage systems; (vi) To provide details of the proposed maintenance of water systems for the site into the future and a risk assessment for open bodies of water and structures, a plan showing the proposed phased development of the site together with details of discharge consents from the land drainage authority and Severn Trent Water

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;

- (19) no residential phase of the development hereby permitted shall be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes for that phase of the development, has been submitted to and approved in writing by the Local Planning Authority. No residential phase of the development shall be occupied until the scheme relating to that phase has been implemented to the satisfaction of the Local Planning Authority. **Reason:** In the interests of fire safety;
- (20) no residential phase of the 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 that phase of the development. The scheme shall be implemented in accordance with the approved details of that phase 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; and
- (21) any phase of the development hereby approved shall only proceed in strict accordance with a construction method statement for the relevant phase, which has been submitted to and approved in writing by the local planning authority. The approved
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statement shall be 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; 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 schedule for the movement of construction plant, associated equipment and deliveries.

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.

64. W/17/0931 – Ribbons, Rowington Green, Rowington

The Committee considered an application from Mr Taylor for roof alterations to a studio/garage building to replace two flying dormers with a single gable dormer.

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

The officer was of the opinion that the proposals would not increase the floor space upon that existing and the bulk and mass of the proposed dormer would be similar to that of the two existing dormers collectively. It was considered proportionate and therefore appropriate development within the Green Belt, it was suitable in design and would have no adverse impact upon neighbours and therefore the application was recommended for approval.

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

The Committee therefore

Resolved that W/17/0931 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

PLANNING COMMITTEE MINUTES (Continued)

carried out strictly in accordance with the details shown on the site location plan and approved drawings 122MT 02 and 122MT 03, and specification contained therein, submitted on 19th May 2017. **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 commence unless and until two weeks' notice in writing of the start of works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be complete in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011; and
- (4) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

65. W/17/0969 – 116 Brunswick Street, Royal Leamington Spa

The Committee considered an application from Warwick District Council for a proposed boundary wall with railings and gate to the northern side and a proposed new driveway and access with dropped kerb to the eastern side.

The application was presented to Committee because the application site was owned by Warwick District Council.

The officer was of the opinion that the proposed new access would not create a detrimental effect on the highway and the proposed new wall and railings were of an acceptable design for the area and therefore the application complied with Adopted Local Plan Policies DP1, DP2 and DP6.

Following consideration of the report and presentation it was proposed by Councillor Mrs Bunker and seconded by Councillor Cain that the application should be granted.

The Committee therefore

Resolved that W/17/0969 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 HPS 01, HPS 02, HPS 03, and specification contained therein, submitted on 23/05/2017. **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 not commence until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 meters and 'y' distance of 43 meters to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 meters above the level 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;
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and

- (4) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

66. W/17/1031 – Land north east of Tapster Lane, Lapworth

The Committee considered an application from Mr and Mrs McMullen for the erection of stables, manège and store building with the formation of new access road, parking area and associated works.

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

The officer was of the opinion that the principle of development was considered acceptable having regard to both the policies relating to the provision of rural recreational facilities and to the relevant green belt policies in the NPPF. The proposed development was considered to be appropriate in green belt terms and preserved its openness. There would be no material harm caused to the character of the wider area, the amenity of neighbouring properties or the highway network. Suitable planning conditions could control the use of the proposed and its constructions and therefore, it was considered to represent a sustainable form of development overall. For these reasons, it was recommended that planning permission be granted subject to the conditions and notes listed in the report.

An addendum circulated at the meeting informed that additional information regarding ecological issues and tree surveys had been received. It was proposed to reword condition 5 to ensure that appropriate investigation was undertaken prior to commencement of development to ensure that an appropriate level of ecological enhancement was secured.

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

The Committee therefore

Resolved that W/17/1031 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
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carried out strictly in accordance with the details shown on approved amended drawings 17-5576-130 Stables Elevations Rev P1, 17-5576-131 Barn Elevations P1, 17-5576-110 Floor Plans P3, 17-5576-120 Sections Rev P3, 17-5576-121 Sections Rev P3, Block Plan P2, Location Plan P2 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Saved Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) the materials to be used externally on the stables, barn and manège hereby permitted shall be constructed of timber or similar.

Reason: To ensure the proposal is constructed in a sympathetic manner that respects the rural character of the area in accordance with Saved Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (4) no part of the development hereby permitted shall be commenced or equipment, machinery or materials brought onto the site until a scheme for the earthworks to be undertaken has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include, but is not limited to, details such as:

- Plans showing the extent and location of the earthworks
- Details of how any earthworks will mitigate against and protect any existing trees/hedging
- Details of how any excavated earth will be disposed of

The development shall then be implemented in accordance with the approved details and retained as such thereafter. **Reason:** To ensure the proposal is constructed in a sympathetic manner that respects the rural character of the area in accordance with Saved Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (5) Planning Officers to reword Condition 5 to ensure that appropriate investigation is undertaken prior to the commencement of development to ensure that an appropriate level of ecological enhancement is secured;

PLANNING COMMITTEE MINUTES (Continued)

- (6) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the tree survey submitted by Cotswold Wildlife Surveys and dated 27th July 2017 have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. 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 and adjacent to the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (7) the use of the land, manège and stables hereby permitted shall be limited solely to the private keeping and exercising of horses and shall not be used for any commercial equestrian enterprise or business (including livery). **Reason:** The Local Planning Authority would wish to consider the implications of a commercial or other more intensive use having regard to character of area, residential amenity, traffic generation, highway safety and appropriateness in the green belt in accordance with Saved Policies DP1, DP2, DP6 and DP7 of the Warwick District Local Plan 1996-2011 and Emerging Policy DS19 of the Warwick District Local Plan 2011-2026;
- (8) no floodlighting shall be erected or installed to light the manège hereby permitted without the prior granting of planning permission by the Local Planning Authority. **Reason:** To ensure the proposal respects the rural character of the

PLANNING COMMITTEE MINUTES (Continued)

area in accordance with Saved Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011; and

- (9) there shall be no burning of waste on the site at any time. **Reason:** To protect the amenity of neighbouring properties in accordance with Saved Policy DP2 of the Warwick District Local Plan 1996-2011.

67. W/17/1068 – 3 Archers Row, Acre Close, Whitnash

The Committee considered an application from Linleigh Electrical for the erection of a porta-cabin in the corner of the car park for extra storage and office space for Linleigh Electrical.

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

The officer was of the opinion that the proposed development was considered to be harmful to the appearance and character of the area, by virtue of its temporary nature and poor quality design which was applied for on a permanent basis. The proposed development would also be harmful to the functionality of the area by virtue that it would lead to the garages becoming inaccessible by vehicles and could lead to delivery vehicles being unable to turn around to exit the service area, which could lead to an increase in parking elsewhere and harm to pedestrian safety. For these reasons, the application should be refused.

Following consideration of the report and presentation it was proposed by Councillor Edgington and seconded by Councillor Weed that the application should be refused.

The Committee therefore

Resolved that W/17/1068 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

Approving a temporary structure of poor quality and design on a permanent basis could set a precedent for similar development. The porta-cabin is not considered to improve the character of the area, its quality or the way it

PLANNING COMMITTEE MINUTES (Continued)

functions, and would be detrimental to the way in which the service yard is utilised by the occupants of the shop and flats above.

The development is thereby considered to be contrary to the aforementioned policies; and

- (2) Policy DP2 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Furthermore, Policy DP8 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will only be permitted that makes provision for car parking that does not result in on-street parking detrimental to highway safety.

The porta-cabin would leave a distance of 4.5 metres between the garages and the nearest elevation of the development, which is an inadequate distance to allow vehicular access to the existing garages; this could lead to an increase in on street parking to Acre Close which is already congested and could lead to an impact on highway safety. Furthermore, the porta-cabin will reduce the turning area for large delivery vehicles, which may have to reverse out of the service yard, which could pose danger to pedestrian safety.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policies.

68. W/17/1161 – The Stables, Lyon Farm, Rouncil Lane, Beausale

The Committee considered an application from Mr Bates for the conversion of the existing garage, new Velux window, and alterations to the existing windows.

The application was presented to Committee because it was supported by Beausale, Haseley, Honiley and Wroxall Parish Council, but the recommendation was to refuse consent.

The officer was of the opinion that the Agricultural Barn Conversion SPG sought to retain the character of the barns. Their conversion was acceptable as long as non-traditional elements were not added. The property was a barn which had been converted sensitively. The application proposed to install three sets of French doors and create additional openings where none existed before adding urban features which were not associated with barns. The proposed works would result in material harm to the character and appearance of the barn conversion and would be contrary to Policy RAP7 and the adopted Agricultural Buildings Conversion SPG.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report and presentation, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that the application should be refused.

The Committee therefore

Resolved that W/17/1161 be **refused**, because Policy RAP7 of the Local Plan and the Agricultural Barn Conversion SPG seek to retain the original character and integrity of barns. Their conversion is acceptable as long as non-traditional elements are not added. The application property is a barn which has been converted sensitively. The application proposes to install double French doors and create additional openings where none existed before adding in alien and incongruous features not associated with barns which would result in material harm to the character and appearance of the barn conversion and would be contrary to the aforementioned policies.

69. 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 8.05pm)

CHAIR
12 September 2017