

Planning Committee

Minutes of the meeting held on Tuesday 6 December 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Ashford, Mrs Bunker, Day, Gifford, Heath, Mrs Hill, Morris, Naimo, Mrs Stevens and Weed.

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

99. Apologies and Substitutes

(a) There were no apologies.

(b) Councillor Gifford substituted for Councillor Boad.

100. Declarations of Interest

Minute Number 104 – W/15/1704 – Haseley Manor, Haseley Business Centre, Hatton

Councillor Gifford declared an interest because he had spoken on a previous application from Spitfire. He felt that on this application, he had an open mind.

Minute Number 106 – W/16/1204 – 79 Bedford Street, Royal Leamington Spa

Councillor Gifford declared an interest because he was interested in this particular application and did not feel it was appropriate that he participated in the decision. He sat with the public whilst this application was discussed.

Minute Number 108 – W/16/1744 – Land adjacent to 19 Pickard Street, Warwick

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

101. Site Visits

To assist with decision making, Councillors Ashford, Cooke, Heath, Mrs Hill, Morris, Naimo, Mrs Stevens and Weed had visited the following application sites on Saturday 3 December 2016.

W/16/1139 – Talisman Square, Warwick Road, Kenilworth
W/16/1744 – Land Adjacent to 19 Pickard Street, Warwick

102. Minutes

The minutes of the meeting held on 8 November 2016 were taken as read and signed by the Chairman as a correct record.

PLANNING COMMITTEE MINUTES (Continued)

103. **W/16/0239 – Land to the north and south of the A45 (Between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the 4414/Whitley Roundabout**

The Committee considered an outline application discharging access with all other matters reserved, from Coventry City Council and Jaguar Land Rover for a comprehensive development comprising the demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (use Class B1), hotel accommodation (use Class C1), car showroom accommodation, small scale retail and catering establishments (use Classes A1, A3, A4 and/or A5), new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of junctions on the existing highway network, associated parking, servicing and landscaping.

This application had been considered by Planning Committee on 23 April 2016 and Members resolved to grant planning permission, subject to the completion of a satisfactory section 106 agreement to secure various restrictions and contributions. Work had been progressing with the section 106 agreement and this was nearing completion.

Alongside this, Jaguar Land Rover had been undertaking further due diligence and investigations into the site and it had become apparent that the site was currently constrained by the availability of a power supply in the short term. This had created an issue with Condition 13 of the draft planning permission, which required the first 10,000 sq. m of floor space within the development to be occupied by Jaguar Land Rover.

Due to the short-term power constraints, Jaguar Land Rover had advised that they were only able to commission and occupy 8,500 sq. m of floor space within the timeframe dictated by the condition. Jaguar Land Rover had advised that they remained fully committed to taking significant additional floor space within the development, over and above this initial 8,500 sq. m, but due to the power constraints the initial occupation condition was problematic as currently worded.

A copy of the letter from the applicant setting out the reasoning behind their request was appended to the end of the report.

The officer was of the opinion that the proposals amounted to a relatively minor change to the threshold specified in the condition (a 15% reduction). As such, it would not represent a significant change in the effect of the condition. There were evidently short term power constraints which dictated that Jaguar Land Rover was unable to comply with the condition as currently worded. A failure to amend the condition as requested might jeopardise the implementation of the development and the substantial economic benefits that it would deliver. Therefore, it was considered that it would be appropriate for the condition to be amended as requested.

The Chairman reminded Members that the only matter for consideration was the variation to Condition 13, and advice received from the Council's Legal Advisor at the meeting confirmed this.

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An addendum circulated at the meeting outlined further comments and objections received, which included objections from three parish councils: Baginton, Bubbenhall and Stoneleigh and Ashow.

The following people addressed the Committee in objection to the proposal:

- Councillor Bush – Baginton Parish Council;
- Councillor Shattock – Bubbenhall Parish Council;
- Mr Ellwood; and
- Councillor Harrington – 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 Ashford and seconded by Councillor Gifford that the request to amend Condition 13 should be granted, with a similar change to the corresponding clause in the section 106 agreement.

The Committee therefore

Resolved that:

- (1) Condition 13 on application W/16/0239 be amended to read as follows:

“The first 8,500 square metres (GFA) of floorspace within the development shall be occupied by Jaguar Land Rover. No other buildings shall be occupied within the development until Jaguar Land Rover have fully occupied 8,500 square metres of B1 floorspace within the technology campus.”; and
- (2) a similar change to the corresponding clause in the section 106 agreement be made.

104. W/15/1704 – Haseley Manor, Haseley Business Centre, Hatton

The Committee considered an application from Spitfire Properties LLP for the conversion of Haseley Manor to 13 apartments; the demolition of Saxon House and Rossmore House and the erection of nine dwellings with associated parking, landscaping, access and a tennis court.

The application was presented to Committee because a number of objections had been received, including one from Hatton Parish Council.

The officer was of the opinion that a residential redevelopment would be acceptable in principle on this site and the proposed redevelopment scheme would comply with Green Belt policy. The proposals would preserve the character and appearance of the listed building and the locally listed garden. Furthermore, the proposals were considered to be acceptable in terms of drainage / flood risk, car parking / highway safety, impact on trees and ecological impact. Therefore, it was recommended that planning permission should be granted.

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The Development Manager informed Members that a Mr Atkinson, whose property was in close proximity to the application site, had provided details of flood incidents and these were read out to Members. The site was within a flood zone, but the least serious category. County Council's Flood officers had not raised any objections to the scheme but had proposed Condition 3 as laid out in the report to ensure that the development did not make the situation worse.

The following people addressed the Committee:

- Mrs Atkinson, in objection to the application;
- Ms Evans, in support of the application; and
- Councillor Gallagher – Ward Councillor who spoke about the problems faced by the Atkinsons in the past with flooding and the problems they would face during construction. She was permitted to circulate photographs that had previously been submitted earlier during the day.

In response to a question from Councillor Weed, the Legal Advisor confirmed that the Council could not impose a condition to resolve a pre-existing issue, i.e. the flood risk already in existence. The Development Manager confirmed this advice and stated that the proposals would not exacerbate the flood risk. Members were sympathetic to the problems faced by the owners of the Lodge in respect of flood incidents and possible problems faced during the construction phase of the application. They noted that the applicant, Spitfire Properties, did its level best to maintain a good reputation and was amenable to trying to help where possible.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Mrs Bunker that the application should be granted with a note to the applicant requesting that they worked with the owners of the Lodge to address concerns on flooding and construction works.

The Committee therefore

Resolved that W/15/1704 be **granted** in accordance with the recommendations in the report, with a note to the applicant to work with the owners of the Lodge to address concerns on flooding and construction works, and 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 drawing(s) 1788/01L, 1788/02A, 1788/03, 1788/04, 1788/05A, 1788/06, 1788/07, 1788/08, 1788/09, 1788/10C, 1788/11B, 1788/12C, 1788/13B, 1788/14C,
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1788/15C, 1788/16C, 1788/17C, 1788/19, 1788/20, 1788/21, 1788/22, 1788/32C & 1788/49, and specification contained therein, submitted on 8 October 2015, 29 October 2015, 1 July 2016 & 7 November 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) no development shall take place until detailed surface and foul water drainage schemes for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with Warwickshire County Council (WCC). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

a. demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753;

b. evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the QBAR runoff rates for all return periods;

c. demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in "Science Report SC030219 Rainfall Management for Developments";

d. demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and 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;

e. demonstrate the proposed allowance for exceedance flow and associated overland flow routing;

f. a foul water drainage scheme including evidence from Severn Trent Water (STW) that there is adequate capacity within their sewerage assets for this development and that STW are in agreement with the proposed foul

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water drainage scheme; and
g. provide a Maintenance Plan to the LPA giving details on how the entire surface water and foul water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas on site (outside of individual plot boundaries) shall be provided to the LPA.

Reason: To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

- (4) 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 construction 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;
- (5) 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:** For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;
- (6) 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)

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to all tree(s) to be retained on the site, or those tree(s) 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 tree(s); no equipment, machinery or structure shall be attached to or supported by any retained 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 be carried out in such a way as to cause damage or injury to the tree(s) 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 tree(s). **Reason:** To protect those trees which 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;

- (7) 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 the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings, fences 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 dwellings 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
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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 protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (8) prior to development commencing full details of the provision of a footway from the south-eastern side of the site to the existing public highway footway shall be submitted to and approved in writing by the Council. No building shall be occupied until the footway has been laid out in accordance with the approved details. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (9) notwithstanding the plans submitted, no development shall commence until full details of the provision of the manoeuvring and service areas, including surfacing, swept path analysis and levels have been submitted to and approved in writing by the Council. No building shall be occupied until the areas have been laid out in accordance with the approved details. Such areas shall be permanently retained for the purpose of manoeuvring of vehicles. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (10) the development and demolition hereby permitted shall not commence or continue unless a turning area has been provided within the site so as to enable general site traffic and construction vehicles to leave and re-enter the public highway in a forward gear. The turning area shall be retained for the duration of construction works. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (11) 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

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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;

- (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. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit 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 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 and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework;
- (14) no development shall commence until a

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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;

- (15) 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 expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition it should include appropriate working practices and safeguards for other wildlife, dependent on 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
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by the development in accordance with Policy DAP3 of the Warwick District Local Plan;

- (16) 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 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 where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;
- (17) prior to commencement of the development hereby permitted further drawings showing the new walls to the utility, cloaks and bathrooms at not full height shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. **Reason:** To ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;
- (18) all features of architectural detailing, fireplaces and doors shall be retained in situ unless shown as to be removed on the approved drawings. If any historic doors are to be removed they shall be reused elsewhere in the building in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby permitted. Details will also be required of how historic doors will be upgraded to meet fire regulations (if necessary). **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;
- (19) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted 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,

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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 and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (20) the development shall not be commenced 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 metres and 'y' distances of 160.0 metres 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 0.9 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (21) the dwellings 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:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (22) the development and demolition hereby permitted shall not commence or continue unless measures are in place to prevent/minimise the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (23) the development hereby permitted shall not be occupied until the applicant has provided sustainability packs for each household.

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Reason: To encourage occupiers to travel sustainably in accordance with Policy SC12 of the Warwick District Plan 1996 – 2011;

- (24) access for vehicles to the site from the public highway (Birmingham Road A4177) shall not be made other than at the position identified on the approved drawing, number 1788-02 Rev A, providing an access no less than 5.0 metres wide for a distance of 30.0 metres into the site, 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;
- (25) no gates shall be erected at the entrance to the site for vehicles until full operating details, including method of access/egress, have been submitted to and approved in writing by the Council. Such gates shall be located, hung and operated in accordance with Drawing No. 1788-02 Rev A and the details approved under this condition. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (26) none of the apartments hereby permitted shall be occupied unless and until bin and cycle stores have been constructed in strict accordance with details that shall have been submitted to and approved in writing by the local planning authority. The bin and cycle stores shall be retained at all times thereafter. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (27) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwelling house hereby permitted. **Reason:** That having regard to the location of the proposed dwellings within the Green Belt as well as within the curtilage of a grade II listed building, it is important to ensure that no further development is carried out which would detract from the openness of the Green Belt or the setting of the listed building, in accordance with Policies DP1 and

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DAP4 of the Warwick District Local Plan 1996-2011.

105. **W/16/1139 – Talisman Square, Warwick Road, Kenilworth**

The Committee considered an application from Cobalt Estates (Kenilworth) Limited for a mixed use development comprising of 1533 square metres of retail floor space at ground floor and 65 residential units (mix of cluster flats and studio rooms).

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

The officer was of the opinion that the proposed mixed retail and residential development of this site was considered to be acceptable in principle and in accordance with Local Plan policies. The proposals would not create a harmful concentration of student accommodation / HMOs in this area and the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. Furthermore, the proposals would provide a satisfactory living environment for future occupants and would have an acceptable impact on the character and appearance of the area. Finally, the proposals were considered to be acceptable in terms of car parking and highway safety. Therefore, it was recommended that planning permission should be granted.

An addendum circulated at the meeting stated that:

- Condition 12 had been amended to include a reference to “higher” education so that university students would comply with the terms of the condition.
- The proposed section 106 contributions had been amended slightly to account for the loss of one unit, and details of the revised contributions were given.
- Two further objections had been received.

The following people addressed the Committee:

- Mr Carter, in objection to the application; and
- Mr Waring, representing the applicant.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Gifford that the application should be granted with an additional condition advising that HGVs had to access the site via the Abbey End access to ensure smooth flow of traffic. The applicant had indicated that a traffic management condition was acceptable.

The Committee therefore

Resolved that W/16/1139 be **granted** in accordance with the recommendations in the report, subject to conditions and subject to the receipt of a Section 106 Agreement or Unilateral Undertaking to secure the contributions and parking restrictions as referred to in

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the report. Should a satisfactory Section 106 Agreement or Unilateral Undertaking not have been completed by 20 December 2016, 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.

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 and approved drawing(s) 0133-P207-A, 0133-P208-D, 0133-P209-C, 0133-P210-B, 0133-P211-B, 0133-P212-B, 0133-P213-B, 0133-P214-B, 0133-P215-B, 0133-P216-D & 0133-P223, and specification contained therein, submitted on 21 June 2016, 7 November 2016, 18 November 2016 and 22 November 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) 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. No part of the development shall be first occupied until the works within the

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approved scheme have been completed for that particular part of the development 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;

- (5) no development shall commence until details of surface and foul water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **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;
- (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) no development shall commence until details of obscure glazing for the angled window bays 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. Prior to the occupation of the residential accommodation hereby permitted, any parts of the angled bay windows that are shown to be obscure glazed in the details approved under this condition shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from

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view and shall be non-opening. The obscured glazed window shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;

(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 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) 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;

(10) 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;

(11) no part of the residential accommodation hereby permitted shall be occupied unless and until the bin and cycle stores have been constructed in strict accordance with the approved plans. The bin and cycle stores shall be retained at all times thereafter. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality and to ensure that there are adequate cycle parking facilities to serve the development, in accordance with Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011;

(12) the residential accommodation hereby permitted shall be used solely as a student hall of residence, and ancillary purposes thereto, being occupied solely by persons enrolled in a full time course of further/higher education. **Reason:** The parking provision may not be sufficient for a conventional residential development, in accordance with Policy DP8 of the Warwick District Local Plan;

PLANNING COMMITTEE MINUTES (Continued)

(13) the residential accommodation hereby permitted shall not be occupied unless and until a Management Plan has been submitted to and approved in writing by the District Planning Authority. The Management Plan shall cover the following:

- warden supervision arrangements;
- building and site access and egress arrangements;
- traffic management including drop off and pick up arrangements;
- CCTV provision and security;
- green travel proposals including cycle parking provision and management;
- waste facilities provision and management; and
- a strict code of behaviour.

The approved Management Plan shall be implemented in full at all times that the premises are occupied as a student hall of residence.

Reason: To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(14) 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;

(15) no deliveries (incoming or leaving) or noisy external activities likely to cause nuisance to nearby residences shall take place before 0730 hours or after 2130 hours on Mondays to Saturdays or before 0900 hours or after 1800 hours on Sundays. **Reason:** To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan; and

PLANNING COMMITTEE MINUTES (Continued)

(16) HGVs must travel via the Abbey End access to ensure a smooth flow of traffic.

During discussions on this application, the public address system malfunctioned and service was not resumed until after the meeting re-commenced following the short adjournment.

The meeting was adjourned at 8.25pm and resumed at 8.38pm.

106. **W/16/1204 - 79 Bedford Street, Royal Leamington Spa**

The Committee considered an application from Mr Smith for the demolition of an existing nightclub and the erection of a four storey building containing eight multiple occupancy apartments.

The application was presented to Committee because five representations in support of the proposals had been received and the recommendation was for refusal.

The officer was of the opinion that the proposals would cause unacceptable harm to the character and appearance of the conservation area and to the setting of the adjacent listed buildings. Furthermore, the proposals would cause unacceptable harm to the living conditions of the residential accommodation at No. 138 Parade and would not provide a satisfactory living environment for future occupants of the proposed development. In addition, the proposals failed to make adequate provision for cycle parking or for the storage of refuse and recycling. Therefore, it was recommended that planning permission should be refused.

An addendum circulated at the meeting stated that amended plans had been submitted which included enlarged bin and cycle stores. This had addressed the fifth and sixth reasons for refusal; therefore, it was now recommended that planning permission should be refused for reasons 1 to 4 as stated in the report.

Mr Smith, the applicant, addressed the Committee.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Heath and seconded by Councillor Mrs Stevens that the application should be granted contrary to the recommendations in the report. Officers were authorised to draw up the list of conditions.

The Committee therefore

Resolved that W/16/1204 be **granted** contrary to the recommendation in the report for the following reasons and subject to conditions to be drawn up by officers :

- (1) the proposals will improve the street scene;
- (2) it would provide purpose built student accommodation in the town centre;

PLANNING COMMITTEE MINUTES (Continued)

- (3) it would help regenerate the area with the custom to local businesses students would provide;
- (4) Members did not agree with the officers' assessment of the proposals; and
- (5) the proposals were an improvement on the current use of the building as a night club.

107. **W/16/1341 – Land at Bosworth Close, Baginton**

The Committee considered an application from Baginton Green Limited for the provision of a free school together with two multi-use games areas; primary and secondary school outdoor place space; 28 parking spaces; landscaping and security fencing.

The application was presented to Committee because five or more representations in support of the proposals had been received and the application was recommended for refusal.

The officer was of the opinion that the proposals represented inappropriate development within the Green Belt and would cause a significant reduction in the openness of the Green Belt. The very special circumstances that had been cited by the applicant were not sufficient to outweigh the conflict with Green Belt policy or the harm to the openness of the Green Belt. Therefore, it was recommended that planning permission should be refused

The following people addressed the Committee in support of the application:

- Councillor Keightley from Baginton Parish Council; and
- Mr Frampton.

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

The Committee therefore

Resolved that W/16/1341 be **refused** in accordance with the reasons stated in the report:

- (1) The site is situated within the Green Belt to the west of the village of Baginton. Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, with certain exceptions. The erection of a new school does not fall under any of these exceptions and therefore the proposals constitute inappropriate development within the Green Belt. Paragraph 87 of the NPPF states that inappropriate development is, by
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definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The proposals would introduce a substantial building onto a site that currently has no buildings and consequently would result in a significant reduction in the openness of this part of the Green Belt. The proposals would represent a significant urban encroachment into the countryside, undermining the objectives of Green Belt policy. In the opinion of the local planning authority, the very special circumstances that have been cited by the applicant are not sufficient to outweigh the conflict with Green Belt policy or the harm to the openness of the Green Belt.

The proposals are therefore considered to be contrary to the aforementioned policies.

108. W/16/1744 – Land Adjacent to 19 Pickard Street, Warwick

The Committee considered an application from Mr Whitfield for the proposed erection of one dwelling.

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

The officer was of the opinion that the proposed four bedroom dwelling would provide additional housing and was considered to be of an acceptable design. Sufficient off street parking had been provided and it was considered that there would be no harm to the living conditions of the occupiers of neighbouring properties, or highway safety which would warrant reason for refusal of the application. It was therefore recommended that the application should be approved.

An addendum circulated at the meeting stated that the two storey wing had been removed from the scheme owing to concern regarding conflict with the 45 degree rule from a first floor rear facing window serving 19 Pickard Street. The drawings had been amended accordingly.

The following people addressed the Committee in objection to the application:

- Ms Wellings; and
- Councillor Murphy – Ward Councillor.

Members felt that to address concerns of the windows overhanging the highway when opened, the applicant should be requested to consider installing sash windows in line with other houses in the area.

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

PLANNING COMMITTEE MINUTES (Continued)

proposed by Councillor Day and seconded by Councillor Ashford that the application should be granted with a note to the applicant to consider installing sash windows.

The Committee therefore

Resolved that W/16/1744 be **granted** in accordance with the recommendations in the report and a note to the applicant to consider installing sash windows, 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 amended drawings 5155 / 03 A and 5155 04 A, and specification contained therein, submitted on 9th November 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) 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;
- (4) no part of the development hereby permitted shall be commenced until a scheme for the provision of bat and bird boxes to be erected on buildings within the site, has been

PLANNING COMMITTEE MINUTES (Continued)

submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.

Reason: In accordance with NPPF, ODPM Circular 2005/06;

- (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 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) no development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan must include details to prevent mud and debris being passed onto the highway; wheel washing facilities; vehicle routing plan; and parking and loading/unloading of staff/construction/delivery vehicles. The Development shall be carried out in strict accordance with the approved Construction Management Plan. **Reason:** To ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety in accordance with Policy DP8 of the Warwick District Local Plan 1996-2011;
- (7) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to

PLANNING COMMITTEE MINUTES (Continued)

and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (8) the proposed site shall be laid out and constructed in general accordance with drawing no. 5155/03 A. **Reason:** To ensure that there are adequate off street parking provision is made for the development hereby permitted, in accordance with Policy DP8 in the Local Plan and the Council's adopted Supplementary Planning Document on Vehicle Parking Standards;
- (9) the access to the site for vehicles shall not be used unless the public highway footway crossing has been widened, laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and to satisfy Policy DP6 in the Warwick District Local Plan 1996-2011;
- (10) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for its whole length as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety and to satisfy Policy DP6 in the Warwick District Local Plan 1996-2011; and
- (11) 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 further development shall take place within the curtilage of the dwelling house hereby permitted which falls within Part 1 Classes A, B, D, or E or Part 3, Class L. **Reason:** That due to the restricted nature of the application site and its relationship with adjoining properties and to ensure that adequate parking is maintained at all times it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

109. **W/16/1740 – Victoria Lodge Hotel, 180 Warwick Road, Kenilworth**

The Committee considered an application from Mr Currie for a change of use from a guest house to an 11 bedroom HMO (sui generis).

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

The officer was of the opinion that the proposal was considered to be in accordance with the requirements of Policies DP1, DP2, DP3, DP8, DAP8 and DAP9 of the Warwick District Local Plan 1996-2011; Policy H6 of the emerging Warwick District Local Plan 2011 - 2029 and the provisions of the National Planning Policy Framework. The proposed use was considered to be in accordance with the requirements of National and Local planning policy. Furthermore, it was contended that it would not adversely impact upon the character and appearance of the Conservation Area, the amenities of neighbouring properties or that it would give rise to any highway safety concerns.

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

The Committee therefore

Resolved that W/16/1740 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 in strict accordance with the details shown on the plans entitled 'Site Plan/Block Plan' and the Existing Floor Plans received by the Local Planning Authority on 27th September 2016, and the Proposed Floor Plans, received on 22nd November 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DP3, DAP8 and DAP9 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not commence unless or until a scheme for the provision or improvement of open space (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the

PLANNING COMMITTEE MINUTES (Continued)

Local Planning Authority. The development 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;

- (4) the parking spaces shown on the Proposed Ground Floor Plan, received on 22nd November 2016, shall be marked out as shown on that plan before the development hereby approved is first occupied. Those spaces shall thereafter be retained at all times solely for the parking of vehicles in conjunction with the approved HMO, and the associated turning areas and access serving the site shall be retained at all times solely for the associated 'on-site' turning of vehicles and to allow those vehicles access to and from the site. **Reason:** To ensure the provision of adequate off-street car parking facilities in the interests of highway safety in accordance with Policy DP8 of the Warwick District Local Plan 1996-2011; and
- (5) The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **Reason:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

110. Appeals Report

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

Resolved that the report be noted.

(The meeting ended at 10.00pm)