

Planning Committee

Minutes of the meeting held on 9 January 2018 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Senior Committee Services Officer – Mrs Barnes; Legal Advisor – Mrs Gutteridge; Head of Development Services – Mrs Darke; Senior Planning Officer – Mr Young; Miss Cox – Committee Services Officer (observing); Mr Butler – Business Manager.

129. Apologies and Substitutes

- (a) There were no apologies; and
- (b) There were no substitutes.

130. Declarations of Interest

Minute Number 133 – W/17/1701 – Riverside House, Milverton Hill, Royal Leamington Spa

All Members of the Planning Committee declared an interest because they were Members of Warwick District Council and the site was owned by Warwick District Council.

Minute Number 134 – W/17/1700 – Covent Garden Multi-Storey Car Park, Russell Street, Royal Leamington Spa

Councillors Mrs Bunker, Boad and Day declared an interest because one of the objectors was known to them.

131. Site Visits

To assist with decision making, Councillors Mrs Bunker, Cooke, Day, Edgington, Heath, Mrs Hill, Morris, Mrs Stevens and Weed visited the following application sites on Saturday 6 January 2018:

W/17/1701 – Riverside House, Milverton Hill, Royal Leamington Spa
W/17/1700 – Covent Garden Multi-Storey Car Park, Russell Street, Royal Leamington Spa
W/17/1614 – 19-21 Wise Street, Royal Leamington Spa

Councillor Boad advised that he had visited all of the sites independently.

132. Minutes

The minutes of the meeting held on 5 December 2017 were taken as read and signed by the Chairman as a correct record.

The Chairman outlined the procedure that would be followed for the meeting. The Legal Officer addressed the Committee and advised that

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following Counsel's advice, any discussions relating to the viability of the schemes W/17/1700 or W/17/1701 would be taken in closed session because it had been deemed that full disclosure was not in the public interest.

In relation to the application W/17/1700 Covent Garden Multi-Storey Car Park, the Legal Officer stated that the loss of car parking remained a material consideration and the applicant had offered to include a displacement strategy in the Section 106 agreement. Members were also reminded that PSP Warwick LLP was a separate legal entity and any joint venture with the local authority had to be dealt with in the same way as any other planning application.

133. W/17/1701 – Riverside House, Milverton Hill, Royal Leamington Spa

The Committee considered an outline planning application from PSP Warwick LLP, including access and landscape, with all other matters reserved, for the demolition of Riverside House and the redevelopment of the site to provide new buildings ranging from 2.5 to 6 storeys for up to 170 residential dwellings (use class C3) at Milverton Hill, Royal Leamington Spa.

The application was presented to Committee because of the number of objections received, including an objection from the Town Council; the Council was the owner of the site and a joint applicant; and because it was recommended that planning permission was granted subject to the completion of a legal agreement.

This application formed part of the Council's headquarters relocation scheme. Therefore, it was linked financially to the planning application for the new offices, car park and apartments at Covent Garden (Ref. W17/1700). That scheme was dependent on cross-subsidy from the proposed residential development on the Riverside House site.

The officer was of the opinion that the redevelopment of the site for residential purposes was in accordance with the allocation of the site for housing by Local Plan Policy DS11 and was therefore acceptable in principle. The proposals formed part of the Council's office relocation scheme which would generate substantial public benefits.

The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and would provide a satisfactory living environment for future occupants. Furthermore, the proposals would have an acceptable impact on the setting of the adjacent conservation area, listed buildings and registered park. The proposals were also considered to be acceptable in terms of car parking, highway safety, drainage / flood risk and ecological impact.

The loss of the two copper beech trees would be a harmful impact of the development, but this would be mitigated to some extent by the replacement tree planting and the contribution towards street tree planting. Any residual harm in this regard would be outweighed by the substantial public benefits of the relocation scheme. In terms of trees within the site, the impact of the proposals was considered to be acceptable.

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A likely mix of housing comprising predominantly one and two bedroom flats was considered appropriate given the significant constraints affecting this site. With regard to affordable housing, evidence had been submitted to demonstrate that this would render the scheme unviable. Finally, the proposed section 106 contributions would satisfactorily mitigate the impact on local services.

Therefore, the recommendation by officers was that planning permission be granted.

In between the agenda being published and the meeting taking place, an update was circulated to Members which dealt specifically with the timescales for a decision and CIL/Section 106 contributions. With regard to CIL the update report stated that, contrary to what was stated in the Committee Reports, the scheme was CIL liable. This was in addition to the section 106 contributions towards street tree planting and sustainable travel packs that were identified in the Committee Report for the Riverside House site.

In addition, the applicant had requested the date for the completion of the Section 106 agreement be extended to 18 February 2018. As a consequence, a revised recommendation was provided to include the revised dates.

Members of the Planning Committee had also been supplied with the applicant's Viability Appraisal and an Independent Report from Jones Lang Lasalle. The following documents contained commercially sensitive information and were strictly private and confidential:

- Applicant's Viability appraisal
- Appendix 2 of Applicant's Viability appraisal
- Appendix 3 of Applicant's Viability appraisal
- JLL Review of Applicant's Viability appraisal

At the beginning of the meeting, the Chairman had advised that should any Members wish to discuss the viability issues or ask technical questions relating to the appraisal, the meeting would enter into closed session due to the private and confidential nature of the documents.

An addendum circulated at the meeting provided clarification on the Section 106 and Community Infrastructure Levy contributions. The addendum also outlined seven further objections from members of the public, an objection from Councillor Gifford and one from the Leamington Society.

In addition, a revised Arboricultural Impact Assessment had been submitted which addressed the issues that had been raised by Warwick District and Warwickshire County Council's tree officers. A detailed summary of the trees to be removed, along with the impact this would have on the area, was provided.

The following people addressed the Committee:

- Councillor John Knight, representing Royal Leamington Spa Town Council, objecting

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- Councillor Nicola Davies, Warwickshire County Council, objecting
- Mr Ian Findlater, objecting
- Mr Richard Ashworth, representing the Leamington Society, objecting
- Ms Ruth Walwyn, objecting
- Mr Adam Cull, objecting
- Ms Jane Hirst, representing the applicant
- Mr Tim Allen, representing the applicant
- Councillor Bill Gifford, Ward Councillor Milverton, objecting
- Councillor Colin Quinney, Ward Councillor Leam, objecting

During the Technical Questions section of the deliberation, it was proposed by Councillor Day and seconded by Councillor Boad that the Committee should move into closed session to receive clarification and advice on the viability report.

The Committee left the chamber at 7.43 pm and resumed public session at 8.28pm.

Following a query relating to the potential to approach the developer at a later date and implementing a 'clawback' position on the contribution provided in lieu of affordable housing, the Legal Officer gave advice as to how this would practically be achieved. She stated that it would be possible to add a clawback clause into the Section 106 agreement. Members were mindful that the trigger point for reassessing the viability would require careful consideration and noted that both parties would have to agree.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Day that the application should be granted. This was subject to the addition to the Section 106 Agreement to include a clawback clause relating to an affordable housing contribution.

The Committee therefore

Resolved that W/17/1701 be **granted** in accordance with the recommendations in the report, subject to the following conditions and subject to the completion of a satisfactory section 106 agreement to include a clawback clause.

Should a satisfactory Section 106 Agreement not have been completed by 18 February 2018, 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 that are the subject of that agreement:

- (1) details of the appearance of the building(s), layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before

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- any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended);
- (2) application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) the development (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 BE3, TR1, TR3 & NE5 of the Warwick District Local Plan 2011-2029;
- (5) the development hereby permitted shall not commence until a scheme of noise insulation to protect residents of the development from excessive road traffic noise entering habitable rooms and the provision of quiet garden areas

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shielded from road traffic noise has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (6) 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

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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 NE5 of the Warwick District Local Plan 2011-2029;

- (7) 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 FW2 of the Warwick District Local Plan 2011-2029;
- (8) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **Reason:** In the interests of fire safety;
- (9) no construction will be undertaken until a Communications Strategy has been submitted to and approved in writing by the local planning authority. The Communications Strategy shall set out how access will be retained for surrounding occupiers during construction works and shall include the points of contact and key phases of the development. The Communications Strategy shall thereafter be implemented in strict accordance with the details approved under this condition. **Reason:** In the interests of highway safety and the amenities of surrounding occupiers, in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (10) no dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out and made available for use by the occupants and / or visitors to the dwelling in accordance with details that shall have been submitted to and approved in writing by the local planning

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authority. Thereafter those spaces shall be retained for parking purposes at all times.

Reason: To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR4 of the Warwick District Local Plan 2011-2029;

- (11) the development hereby permitted shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in the document 'Bat Surveys and Bat Mitigation Strategy' prepared by Middlemarch Environmental, received by the local planning authority on 3rd October 2017. **Reason:** To ensure that protected species are not harmed by the development, in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;
- (12) 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

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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 BE3, NE2 & NE5 of the Warwick District Local Plan 2011-2029;

(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) 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 appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

(15) the development hereby permitted shall not be occupied until a flood risk management scheme for the car park has been submitted to and approved in writing by the local planning authority. The scheme shall include, but not be inclusive of, the following elements:

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- i) the site operator signing up to the Environment Agency's flood warning system;
- ii) a strategy to notify each household as efficiently and quickly as possible;
- iii) actions in place to prevent car owners collecting their cars once the car park begins to flood; and
- iv) flood warning notices to be erected with numbers, positions and wording to be agreed. The notices shall be kept legible and clear of obstruction.

The mitigation measures shall be fully implemented in strict accordance with the approved details prior to occupation and shall remain in place at all times thereafter.

Reason: To ensure that residents have adequate notice to retrieve their vehicles prior to the car park flooding, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

- (16) none of the dwellings hereby permitted shall be occupied unless and until:

(a) details of boundary treatment along the southern boundary sufficient to prevent cars floating off site (and allowing the free flow of floodwater) have been submitted to and agreed in writing by the local planning authority; and

(b) the boundary treatment approved under (a) has been installed in strict accordance with the approved details.

Reason: To prevent cars floating off site into the River Leam and causing blockages, in accordance with Policy FW1 of the Warwick District Local Plan 2011-2029;

- (17) notwithstanding the submitted details, 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 submitted to and 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,

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Demolition & Construction) 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 NE4 of the Warwick District Local Plan 2011-2029;

- (18) 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

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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 protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- (19) the trees marked T2 and T3 on drawing no. 1714-PL0-07 shall not be removed until the 3 replacement trees shown on this drawing have been planted. Any tree(s) which within a period of five years of planting 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. The trees shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** In order to secure compensation for the loss of these trees, in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029;
- (20) 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 surfaces). **Reason:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the

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Warwick District Local Plan 2011-2029;

- (21) the development hereby permitted shall not be occupied unless and until the means of access to the site has been laid out, constructed and implemented in full accordance with drawing no. 38237-5501-120. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029; and
- (22) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

134. **W/17/1700 – Covent Garden Multi-Storey Car Park, Russell Street, Royal Leamington Spa**

The Committee considered a full application from PSP Warwick LLP for means of access, appearance, landscaping layout and scale, for the demolition of Covent Garden Multi-Storey car park and pedestrian footbridge, and the erection of mixed use buildings comprising new 2,685m² (GIA) offices (use class B1) over four floors including plant room; a new multi-storey car park over four floors, comprising 617 car park spaces and three external spaces, 20 motor cycle spaces and 30 cycle spaces; and 44 residential units (use class C3) with 44 cycle spaces for the apartments.

The application was presented to Committee because of the number of objections received including one from Royal Leamington Spa Town Council, due to the Council being the owner of the site and a joint applicant, and because it was recommended that planning permission be granted subject to the completion of a legal agreement.

The officer was of the opinion that the proposed offices and residential development would be in accordance with Local Plan Policies EC1 and H1 respectively. The proposed car park would replace an existing car park and would support the vitality and viability of the town centre. Therefore, the three elements of the scheme were considered to be acceptable in principle. The relocation of the Council's offices and the provision of a replacement car park and a significant number of dwellings would generate substantial public benefits.

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The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and would provide a satisfactory living environment for future occupants. Furthermore, the proposals would have an acceptable impact on the character and appearance of the conservation area and the setting of nearby listed buildings. The proposals were also considered to be acceptable in terms of car parking, highway safety, drainage / flood risk and ecological impacts.

The impact on trees was considered to be acceptable and details of suitable landscaping could be secured by condition. Furthermore, the proposals made adequate provision for the storage and collection of refuse and recycling and the mix of market housing was considered to be appropriate for this town centre location. With regard to affordable housing, evidence had been submitted to demonstrate that this would render the scheme unviable. Finally, the proposed section 106 contributions would satisfactorily mitigate the impact on local services.

Therefore it was recommended that planning permission be granted.

In between the agenda being published and the meeting taking place, an update was circulated to Members which dealt specifically with the timescales for a decision and CIL/Section 106 contributions. With regard to CIL, the update report stated that, contrary to what was stated in the Committee Reports, the scheme was CIL liable. This was in addition to the section 106 contributions towards street tree planting and sustainable travel packs that were identified in the Committee Report for the Riverside House site.

In addition, the applicant had requested the date for the completion of the Section 106 agreement be extended to 18 February 2018. As a consequence, the recommendation had been changed accordingly to include the revised dates.

Members of the Planning Committee had also been supplied with the applicant's Viability Appraisal and an Independent Report from Jones Lang Lasalle. The following documents contained commercially sensitive information and were strictly private and confidential:

- Applicant's Viability appraisal
- Appendix 2 of Applicant's Viability appraisal
- Appendix 3 of Applicant's Viability appraisal
- JLL Review of Applicant's Viability appraisal

An addendum circulated at the meeting advised that the relevant drawing numbers had been added to condition 2, provided clarification on the Section 106/ Community Infrastructure Levy contributions and advised that an updated noise report had been submitted.

In addition, four further objections had been received mostly raising concerns similar to those already included in the report, however, a summary of additional concerns was provided.

The following people addressed the Committee:



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- Councillor John Knight, Royal Leamington Spa Town Council, objecting
- Mr Andrew Boyton, objecting
- Ms Stephanie Kerr, objecting
- Mr Alan Heap, objecting
- Ms Jane Hirst, representing the applicant
- Councillor Naimo, Ward Councillor, objecting; and
- Councillor Quinney, Ward Councillor, objecting.

Members were mindful that the number of electric vehicle charging points needed to be adequate for the future. It was felt that the Warwickshire County Council formula outlined in its EVCP guidance could be applied when determining the number of charging points to be included in the new car park. It was suggested that Condition 20 of the report should be amended accordingly.

It was also proposed that a 'note to applicant' be added relating to the design of the car park to ensure that it included the ability to retro fit electric charging points.

Members noted the offer from the applicant of a Car Parking Displacement Plan which would be included in the S106 agreement and proposed a 'note to applicant' to consult as far as possible with stakeholders in relation to how the displacement strategy would operate.

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 Day that the application should be granted

The Committee therefore

Resolved that W/17/1700 be **granted** in accordance with the recommendations in the report, subject to the following conditions and subject to the completion of a satisfactory section 106 agreement.

Should a satisfactory Section 106 Agreement not have been completed by 18 February 2018, 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 that are the subject of that agreement:

- (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), and specification

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contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (3) 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 BE1 of the Warwick District Local Plan 2011-2029;
- (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), fins, parapets, guard rails / screens 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 within the conservation area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029;
- (5) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which 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

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

- (6) 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.

Reason: To ensure the protection of

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controlled waters and to prevent pollution in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall not commence until a scheme of noise insulation to protect residents of the development from excessive entertainment noise entering habitable rooms and the provision of quiet garden areas shielded from road traffic noise has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To protect residents of the development from the adverse effects of traffic and entertainment noise from outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (8) the development hereby permitted shall not commence until details of a mechanical ventilation with heat recovery (MVHR) system for all rooms within all residential dwellings has been submitted to and approved in writing by the local planning authority. The MVHR system must:

- i) be capable of providing air changes at volumes equivalent to an open window for the purposes of rapid cooling and ventilation;
- ii) not compromise the façade insulation or the resulting internal noise level; and
- iii) operate at a level to comply with noise rating curve NR25 or lower.

The scheme shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To protect residents of the development from the adverse effects of traffic and entertainment noise from outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (9) 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. No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The

PLANNING COMMITTEE MINUTES (Continued)

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, in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

(10) 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 FW2 of the Warwick District Local Plan 2011-2029;

(11) no part of the development hereby permitted shall be commenced until a scheme for the provision of suitable bird nesting boxes to be erected on trees/buildings within the site has been submitted to and approved in writing by the local planning authority. The scheme shall include details of nesting box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity. **Reason:** To ensure that protected species are not harmed by the development, in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

(12) the development hereby permitted shall either:

a) be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds; or

b) not commence until a qualified ecologist has been appointed by the applicant to inspect the trees to be cleared on site for evidence of nesting birds immediately prior to works.

If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981

PLANNING COMMITTEE MINUTES (Continued)

Wildlife and Countryside Act.

Reason: To prevent possible disturbance to nesting birds, in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029;

- (13) the offices hereby permitted shall not be commenced unless and until a pre-assessment and design stage assessment by an accredited BREEAM assessor demonstrating how the offices will be designed and constructed to achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. The offices shall not be occupied unless and until a completion stage assessment by an accredited BREEAM assessor demonstrating that the offices achieve as a minimum BREEAM standard 'very good' (or any future national equivalent) has been submitted to and approved in writing by the Local Planning Authority. **Reason:** To deliver reductions in carbon dioxide emissions, building running costs, energy consumption and water use in accordance with the provisions of Policy CC3 in the Warwick District Local Plan 2011-2029;

- (14) no construction will be undertaken until a Communications Strategy has been submitted to and approved in writing by the local planning authority. The Communications Strategy shall set out how access will be retained for surrounding occupiers during construction works and shall include the points of contact and key phases of the development. The Communications Strategy shall thereafter be implemented in strict accordance with the details approved under this condition. **Reason:** In the interests of highway safety and the amenities of surrounding occupiers, in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;

- (15) no dwelling hereby permitted shall be occupied unless and until the car parking provision for that dwelling has been constructed or laid out and made available for use by the occupants and / or visitors to the dwelling in accordance with details that shall have been submitted to and approved in writing by the local planning authority. Thereafter those spaces shall be

PLANNING COMMITTEE MINUTES (Continued)

retained for parking purposes at all times.

Reason: To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies BE1 and TR4 of the Warwick District Local Plan 2011-2029;

- (16) notwithstanding the submitted details, 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 submitted to and approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all 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 NE4 of the Warwick District Local Plan 2011-2029;
- (17) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of

PLANNING COMMITTEE MINUTES (Continued)

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 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 BE1 and NE4 of the Warwick District Local Plan 2011-2029;

- (18) 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 surfaces). **Reason:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies BE1 and NE4 of the

PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 2011-2029;

- (19) the development hereby permitted shall not be occupied unless and until the means of access to the site has been laid out, constructed and implemented in full accordance with drawing no. 38900-5501-103 Rev A. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (20) the car park hereby permitted shall not be used unless and until a Parking Management Strategy has been submitted to and approved in writing by the local planning authority. The Parking Management Strategy shall thereafter be implemented in strict accordance with the details approved under this condition. Within 12 months of the first use of the car park the Parking Management Strategy shall be revised and submitted to and approved in writing by the local planning authority. The revised Parking Management Strategy shall thereafter be implemented in strict accordance with the details approved under this condition. Officers will ensure the WCC formula outlined in their EVCP guidance is applied when determining the number of charging points to be included in the new car park. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029;
- (21) prior to occupation of the offices hereby permitted a Workplace Travel Plan shall be submitted to and approved in writing by the local planning authority. The Workplace Travel Plan shall thereafter be implemented in strict accordance with the details approved under this condition and shall be revised annually thereafter. **Reason:** In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR2 of the Warwick District Local Plan 2011-2029;
- (22) none of the apartments 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

PLANNING COMMITTEE MINUTES (Continued)

appearance of the locality, in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;

- (23) all rainwater goods for the development hereby permitted shall be metal. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029; and
- (24) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

135. **W/17/1614 – 19-21 Wise Street, Royal Leamington Spa**

The Committee considered an application from Mr and Mrs McGee for the demolition of an existing scrapyards and commercial unit and erection of a four-storey building and basement, comprising residential student accommodation with associated amenity facility, parking and landscaping. This was an amended scheme following the withdrawal of application W/17/0118.

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

The officer was of the opinion that the proposed development failed to comply with Policy H6 of the Adopted Local Plan by reason of the proportion of HMOs that would result within a 100 metre radius. However, it was considered that other material considerations existed which were sufficient to outweigh that objection. These were:

- The regeneration of the site;
- the visual improvements to the canal-side environment;
- the removal of an unneighbourly use along with the associated impacts of that use; and
- the manner in which the development would be managed to minimise any impacts or loss of amenity within the surrounding area.

It was considered that the removal of the scrapyards, which was acknowledged as an unneighbourly use in an otherwise residential area,

PLANNING COMMITTEE MINUTES (Continued)

would be a significant benefit. In addition, the site's redevelopment through the construction of the proposed new building would provide a significant visual improvement and enhancement to the character and appearance of the area, as well as residential amenity. Moreover, the development provided an opportunity to regenerate this particular area of the Grand Union Canal, making optimum use of the canal-side frontage. It was acknowledged that the proposals would open up the area, improving connectivity and permeability in, through and around the site, and presenting an opportunity to improve pedestrian and cycle links through the site and along the canal towpath.

The proposal was considered to be acceptable in terms of highway safety and environmental health matters, which had been the subject of extensive additional survey work to address previous concerns. Further, it was considered to be acceptable in respect of neighbouring amenity arising from both the physical form of the building and the manner in which the use would operate, and in respect of all other material considerations.

The recommendation was that planning permission should be granted subject to a number of planning conditions and the completion of a Section 106 Agreement, to ensure that the proposals were brought forward in an appropriate manner.

An addendum circulated at the meeting advised that a consultation response had been received from the Community Safety Manager confirming that there were no objections to the application. In addition, a letter had been received from Delta Planning on behalf of the applicant.

The following people addressed the Committee:

- Councillor Knight, representing Royal Leamington Spa Town Council, in objection to the application;
- Councillors Chilvers and Alty, and Mr Cox, in objection to the application;
- Mr Green, representing the applicant; and
- Councillor Naimo, Ward Councillor, in objection to the application.

It was proposed and duly seconded that the application should be granted in accordance with the officer's recommendation. The motion was defeated.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Weed that the application should be refused, contrary to the recommendations in the report. Members were mindful that this was one of the last canal-side developments and felt that the proposal was incongruous with the area and was of poor design.

The Committee therefore

Resolved that W/17/1614 be **refused**, contrary to the recommendations in the report, because it breaches Policy H6, does not provide for adequate management of the site, is of poor design and will

PLANNING COMMITTEE MINUTES (Continued)

have a detrimental impact on the character of the canal side setting.

(The meeting was adjourned at 23:31pm)

Resumption of the adjourned Planning Committee meeting held on Wednesday 10 January 2018 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Declarations of interest had been submitted at the beginning of the meeting held on Tuesday 9 January 2018, but for the sake of any additional members of public, the Chairman asked Councillors to declare any interests. Councillor Heath advised that application W/17/2136 – 35 Greville Smith Avenue, Whitnash was in his Ward.

The Chairman also clarified a correction to the Planning Minutes 5 December 2017.

The minutes of the meeting held on 5 December 2017 were taken as read and signed by the Chairman as a correct record subject to an amendment of minute 117, paragraph 2, so that this paragraph read:

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

The Chairman explained a change to the running order from the version distributed the previous night. Application W/17/2087 would be considered before application W/17/1828 to accommodate one of the speakers.

136. W/17/2087 – Talisman Square, Warwick Road, Kenilworth

The Committee considered an application from Cobalt Estates (Kenilworth) Limited for a minor material amendment to planning permission W/16/1139 to allow for minor changes to the height, footprint, design and windows of the proposed building, together with the relocation and increase in size of the rooftop amenity space, the addition of a rooftop plant zone, the replacement of retail storage areas with additional student bedrooms and the substitution of cluster flats for some of the studios. Planning permission W/16/1139 was for a mixed use development comprising 1533 sqm of retail floor space at ground floor and 65 residential units (mix of cluster flats and studio rooms) above.

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

The officer was of the opinion that the proposed amendments would not create a harmful over-concentration of student accommodation / houses in multiple occupation in the locality. Furthermore, the amendments would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Finally, the amendments were considered to be acceptable in terms of car parking and highway safety and in terms of the provision for the storage of refuse and

PLANNING COMMITTEE MINUTES (Continued)

recycling. It was therefore recommended that planning permission was granted for these amendments.

An addendum circulated at the meeting advised that three further objections had been received, raising concerns similar to those already summarised in the "Summary of Representations" section of the Committee report.

The following people addressed the Committee:

- Councillor Illingworth, representing Kenilworth Town Council's opposition to the application; and
- Mr Thompson, speaking on behalf of the applicant.

Officers confirmed the changes to the scheme since the original application and they also confirmed the need for a deed for variation to tie the existing section 106 agreement to the new permission.

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

The Committee therefore

Resolved that W/17/2087 be **granted** in accordance with the recommendations in the report, subject to the completion of a deed for variation to tie the existing Section 106 agreement to the new permission. Should a satisfactory Section 106 Agreement not have been completed by 6 February 2018, 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-P429-A, 0133-P430-K, 0133-P431-K, 0133-P432-J, 0133-P433-J, 0133-P434-K 0133-P435-D, 0133-P446-B, 0133-P447-B, 0133-P458-A, 0133-P459-A, 0133-P460-B, 0133-P462-A & 0133-P463-A, and specification contained therein, submitted on 6 November 2017 & 14

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December 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;

- (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 BE1 of the Warwick District Local Plan 2011-2029;
- (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 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 CC3 of the Warwick District Local Plan 2011-2029;
- (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 FW2 of the Warwick District Local Plan 2011-2029;
- (6) no development shall commence until details

PLANNING COMMITTEE MINUTES (Continued)

of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

Reason: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;

- (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 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 BE3 of the Warwick District Local Plan 2011-2029;
- (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 HE4 of the Warwick District Local Plan 2011-2029;
- (9) prior to the commencement of development approved by this planning permission (or such

PLANNING COMMITTEE MINUTES (Continued)

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.

Reason: To ensure the protection of controlled waters and to prevent pollution in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029;

- (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:**

PLANNING COMMITTEE MINUTES (Continued)

To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 & TR3 of the Warwick District Local Plan 2011-2029;

- (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 BE1, BE3 & TR3 of the Warwick District Local Plan 2011-2029;
- (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 or higher education. **Reason:** The parking provision may not be sufficient for a conventional residential development, in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029;
- (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.

PLANNING COMMITTEE MINUTES (Continued)

Reason: To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;

- (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 NE5 of the Warwick District Local Plan 2011-2029;

- (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 BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (16) all HGV's accessing or egressing the site, whether service or delivery vehicles, shall be routed via the District Council's Abbey End car park and the direct access to the proposed development from the public highway Station Road. **Reason:** In the interests of highway safety and protecting the living conditions of nearby residents, in accordance with the requirements of Policies BE3 & TR1 of the Warwick District Local Plan 2011-2029; and

- (17) noise arising from any plant or equipment at these premises, when measured one metre from the façade 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 occupants of nearby properties in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029.

PLANNING COMMITTEE MINUTES (Continued)

137. W/17/1828 – 121-123 Warwick Road, Kenilworth

The Committee considered an application from Mr JR Gill Investments Limited for a change of use, conversion and extension of a restaurant building (use Class A3) with associated works to provide six cluster flats providing a total of 23 bedrooms for use as student accommodation.

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

The officer was of the opinion that the principle of development was considered acceptable having regard to the applicable policies. 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 shape and mitigate the development and therefore, it was considered to represent a sustainable form of development overall. For these reasons, it was recommended that planning permission should be granted.

The following people addressed the Committee:

- Councillor Illingworth, representing Kenilworth Town Council's views. Councillor Illingworth advised that the Town Council had withdrawn all of its objections except for those relating to car parking;
- Mr Tocher, a local resident who objected to the application; and
- Ms Pohl, who represented the applicant. Ms Pohl informed the Committee that the applicant would be willing to agree a Traffic Management Plan.

Members expressed concern that if all the parking bays were full in the parking area, there would be insufficient turning circle to allow additional vehicles, such as delivery vehicles, using the parking area to exit the parking area in a forward gear. Officers advised that the Highways Authority had not raised any objection.

The Legal Advisor advised caution in respect of the applicant's offer for a traffic management plan, and thereby making this a condition in any permission. Members felt that delegated authority should be given for a decision on how best to proceed in respect of a traffic management plan.

Members expressed concern about noise levels to the neighbouring property coming from toilet facilities should they be next to the party wall and therefore requested a condition in respect of the internal layout.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Day that the application should be granted in accordance with the recommendations in the report with delegated authority given to officers to liaise with the Chairman of Planning to:

- determine whether a note to the applicant or a condition is required for a Traffic Management Plan; and
- to discuss with the Highways Authority the way forward in respect of the need for vehicles to exit the parking area in a forward gear.

PLANNING COMMITTEE MINUTES (Continued)

The Committee therefore

Resolved that W/17/1828 be **granted** in accordance with the recommendations in the report and subject to the conditions laid out below. Delegated authority is given to officers to liaise with the Chairman of Planning to:

- determine whether a note to the applicant or a condition is required for a Traffic Management Plan; and
- to discuss with the Highways Authority the way forward in respect of the need for vehicles to exit the parking area in a forward gear.

(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) 10597-10D, 10597-11C and 10597-12B and specification contained therein, submitted on 5th December 2017 and 15th December 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

(3) 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 (including sample brick panels, render, natural slate roof and drip moulds over window heads) to be used have been submitted to 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 BE1 of the Warwick District Local Plan 2011-2029;

(4) other than site clearance and preparation works no works shall commence until large scale details of doors, windows (including a

PLANNING COMMITTEE MINUTES (Continued)

section showing the window reveal, heads and cill details), eaves, verges, rainwater goods and grills to the car park area at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance for the site adjacent to the Conservation Area, and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029;

- (5) 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;

- (6) the development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive road traffic noise entering habitable rooms has been submitted to and approved in writing by the local planning authority. The development shall not be occupied unless and until the scheme has been implemented in full in accordance with the approved details and it shall be retained as such thereafter. **Reason:** To protect the amenities of future occupiers of the proposed development in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;

- (7) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and

PLANNING COMMITTEE MINUTES (Continued)

approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE1, BE3 and TR1 of the Warwick District Local Plan 2011-2029;

- (8) prior to the commencement of development hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
- a) planting plans,
 - b) written specifications including cultivation and other operations associated with tree, plant and grass establishment.
 - c) a schedule of plants noting species, plant sizes and proposed numbers/densities.
 - d) existing landscape features such as trees, hedges and ponds to be retained accurately plotted (where appropriate).
 - e) existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate)
 - f) the means of accommodating change in level (e.g. steps, retaining walls, ramps where appropriate)
 - g) hard surfacing materials- details of manufacturer, type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved.
 - h) the position and design of all site enclosures
 - i) car parking layout
 - j) other vehicular and pedestrian areas
 - k) minor artefacts and structures (e.g.

PLANNING COMMITTEE MINUTES (Continued)

street furniture, cycle storage, refuse areas, signage, lighting etc).

The approved scheme shall be carried out concurrently with the development and completed prior to the first occupation of the development hereby permitted.

If within a period of five years from the date of the soft planting pursuant to this condition that soft planting is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees.

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 BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;

- (9) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
- (10) prior to the occupation of the development hereby permitted, the windows serving bathrooms/en-suites, as shown on plan number 10597 - 11 - REV C, shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed

PLANNING COMMITTEE MINUTES (Continued)

window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy BE3 of the Warwick District Local Plan 2011-2029;

- (11) the roof area adjacent to bedroom 1 of cluster two, shown on plan number 10597-11-REV C, hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (12) the development hereby permitted shall not be occupied unless and until the approved cycle and car parking facilities have been provided and made available for use in accordance with the details on drawing 10597 10 C and thereafter those facilities shall remain available for use at all times. **Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies TR1 and TR4 of the Warwick District Local Plan 2011-2029;

- (13) 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 in accordance with the approved details 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 BE1 of the Warwick District Local Plan 2011-2029; and

- (14) a condition in respect of the internal layout next to the party wall to avoid noise disturbance coming from the toilet facilities.

139. W/17/1641 – The Barn, Stareton Lane, Stoneleigh

The Committee considered an application from Mr S Hession for the erection of a detached carport.



PLANNING COMMITTEE MINUTES (Continued)

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

The officer was of the opinion that the application was for a new building within the Green Belt, which was contrary to national and local policy. No very special circumstances had been put forward which would outweigh the harm by reason of inappropriateness and harm to openness. Furthermore, the proposal would result in material harm to the character, setting and integrity of the converted barn.

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

The Committee therefore

Resolved that W/17/1641 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site is washed over by Green Belt and the proposed detached double car port does not meet any of the exceptions listed under paragraph 89 of the NPPF. No very special circumstances have been presented which outweigh the harm by reason of inappropriateness and harm to openness; and
- (2) the proposal relates to a converted barn, which by its very nature was a rural outbuilding. To grant permission for an outbuilding to serve the barn would harm the character, setting and integrity of the converted barn and would be contrary to Policy BE1 and the Council's Barn Conversion SPG.

140. W/17/2136 – 35 Greville Smith Avenue, Whitnash

The Committee considered an application from Ms Robbins for the erection of a single storey side and rear extension.

The application was presented to Committee because the applicant was a Warwick District Council member of staff.

The officer was of the opinion that the proposed development would create a subservient addition to the existing property that was of an appropriate design that would not present a negative impact to the amenity of neighbouring properties.

PLANNING COMMITTEE MINUTES (Continued)

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

The Committee therefore

Resolved that W/17/2136 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 drawing 17/46-02, and specification contained therein, submitted on 13/11/2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

141. W/17/2166 – 154 Rugby Road, Cubbington

The Committee considered an application from Miss Jones for the erection of a replacement rear conservatory.

The application was presented to Committee because the applicant was an employee of Warwick District Council.

The officer was of the opinion that the extension was small scale and would not harm the living conditions of the occupiers of the neighbouring property.

An addendum circulated at the meeting advised that Cubbington Parish Council had not objected to the application.

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

The Committee therefore



PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/17/2166 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 ('New conservatory proposed rear elevation & part plan) and specification contained therein, submitted on 16 November 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

142. **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 7.49 pm)

Signature Redacted

CHAIR
30 January 2018