

Planning Committee

Minutes of the meeting held on Wednesday 14 October 2015 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, Mrs Falp, Miss Grainger, Mrs Hill, Mrs Knight, Morris, Mrs Stevens and Weed.

Also Present: Committee Services Officer – Mrs Dury; Democratic Services Assistant - Miss Brownlee; Legal Advisor – Mrs Gutteridge; Head of Development Services – Mrs Darke; Senior Planning Officer – Mrs Willetts; and Development Manager – Mr Fisher.

82. **Substitutes**

Councillor Miss Grainger substituted for Councillor Cain.

83. **Declarations of Interest**

Minute Number 86 – W15/1203 – Land at Foxes Study, Warwick Castle, Castle Hill, Warwick

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

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

Minute Number 87 – W15/1337 – Peeping Tom Inn, 216 Cromwell Lane, Burton Green, Kenilworth

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

Minute Number 88 – W15/1379 – 20 Crackley Hill, Coventry Road, Kenilworth

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

Minute Number 89 – W15/1210 – 8 Milverton Hill, Royal Leamington Spa

Councillor Miss Grainger declared an interest because she was speaking on behalf of Royal Leamington Spa Town Council. She left the room after speaking until the decision had been made on this application.

Minute Number 90 – W15/1291 – 66 Mercia Way, Warwick

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

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Minute Number 91 – W15/1240 – 39 Bath Street, Royal Leamington Spa

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

Minute Number 92 – W15/1414 – 11 Livery Street, Royal Leamington Spa

Councillor Miss Grainger declared an interest because she was speaking on behalf of Royal Leamington Spa Town Council. She left the room after speaking until the decision had been made on this application.

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

84. Site Visits

To assist with decision making, Councillors Ashford, Boad, Mrs Bunker, Cooke, Mrs Falp, Mrs Hill, Mrs Stevens and Weed had visited the following application sites on Saturday 10 October 2015:

W15/1404: 34 Lillington Road, Royal Leamington Spa

W15/1203: Land at Foxes Study, Warwick Castle, Castle Hill, Warwick

W15/1170: Land at Bosworth Close, Baginton

W15/1379: 20 Crackley Hill, Coventry Road, Kenilworth

85. Minutes

The minutes of the meetings held on 18 August and 15 September 2015 were agreed and signed by the Chairman as a correct record. The Committee Services Officer drew Members' attention to an amendment to the minutes of 18 August 2015, minute number 46. An additional site had been visited, W15/0453 – Crossways, Rowington Green, Rowington. The minutes to be signed had been corrected.

86. W15/1203 – Land at Foxes Study, Warwick Castle, Castle Hill, Warwick

The Committee considered an outline application from Merlin Attractions Operations Limited for the erection of 16 permanent semi-detached lodges (32 units) providing visitor accommodation, a facilities building (including, but not limited to a reception, restaurant, kitchen and toilets), a sub-station, boardwalks, re-alignment of the existing perimeter footpath, part widening of the existing internal access road, lighting, boundary treatment, landscaping works and associated infrastructure works (including surface water drainage).

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

The officer was of the opinion that the proposed development was acceptable in principle and did not adversely affect the historic integrity, character or setting of the listed building or the registered park and garden. The proposals preserved the character and appearance of the Conservation Area and did not adversely affect the amenity of nearby residents. The

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proposal was therefore considered to comply with the policies listed in the report.

An addendum circulated at the meeting indicated that Warwickshire County Council (Economic Growth) supported the application, and put into context the very significant role that the castle continued to play in the local visitor economy, both in the town of Warwick and in Warwickshire as a whole. There had also been one further letter of support, raising points already covered in the officer's report. There was also one neutral response stating that there was accommodation within Warwick that deserved recognition.

The following people addressed the Committee:

- Councillor Grainger, speaking in support of the application on behalf of Warwick Town Council;
- Ms Hodgetts, representing the Conservation Advisory Forum (CAF), objecting to the application;
- Local residents Dr Hyland and Mr Murphy, and Chairman of the Warwick Society, Mr Mackay, all speaking in objection to the application; and
- Mrs Butcher from the Warwick Chamber of Trade and Mr Spooner representing Warwick Castle, speaking in support of the application.

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

The Committee therefore

Resolved that W15/1203 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 063 P25, 064 P2; 260 P3; 100 P10; 101 P8; 102 P7; 110 P5; 112 P4; 135 P13; 140 P6; 220 P9; 225 P5; 235 P10; 250 P4; 0280 P1; 270 P3; 300 P8; 310 P7; 302 P8; 303 P8; 310 P6; 311 P4; 312 P6; 313 P4; 335 P10; 336 P10, and specification contained therein, submitted on 29/07/15 21/09/15 and 24/09/15. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DAP4 and DAP11 of the

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Warwick District Local Plan 1996-2011;

- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b) a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) the development, hereby permitted, shall not commence until a Species Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging each part of this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species (e.g. badgers, bats, nesting birds, and hedgehogs) with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site and prior to each season. The plan will also include measures to prevent contamination of the Local Wildlife Site and watercourse the River Avon both during and after development. In accord with the Pollution Prevention Guidelines produced by the Environment Agency. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP3 of the Warwick District Local Plan 1996-2011;

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- (5) 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 Local 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 native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full.

Reason: To ensure a net biodiversity gain in accordance with NPPF and secure a satisfactory form of landscaping in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (6) the development, hereby permitted, shall not be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees, in particular the veteran trees, to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (7) the development, hereby permitted, shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the Local Planning Authority. In discharging this condition the Local Planning

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Authority expects lighting to be restricted around the boundary edges, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps.
- b. the brightness of lights should be as low as legally possible.
- c. lighting should be timed to provide some dark periods.
- d. connections to areas important for foraging should contain unlit stretches.

The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan;

- (8) the external facing materials and fenestration for the development hereby permitted shall proceed in accordance with the details provided within the supporting documentation dated 24/09/15. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1, DAP4 and DAP11 of the Warwick District Local Plan 1996-2011;

- (9) all built development to be sited outside of the 100 year Climate change outline for the River Avon as determined by the 2010 River Avon SFRM and the 100yr Climate Change outline for the Saltisford Brook, as determined by the Warwick Tributaries 2012 Study.
- Finished Floor Levels are set no lower than 46.64m above Ordnance Datum (AOD)
 - The development shall maintain a minimum 8 meter undeveloped buffer zone from the top of bank of the aforementioned watercourses to enable maintenance and emergency access to the watercourse.

The mitigation measures shall be fully implemented prior to occupation. **Reason:** To reduce the risk of flooding to the proposed development and future users of the site, to ensure safe access and egress from and to the

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site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012;

- (10) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any permanent building hereby permitted.

Reason: That having regard to the nature and justification for the proposed development and its context it is important to ensure that no further development is carried out which would detract from the appearance of the area in accordance with Policies DP1, DAP4, DAP8 and DAP11 of the Warwick District Local Plan 1996-2011;

- (11) should the holiday accommodation permanently cease to be required for those purposes the buildings and associated infrastructure hereby permitted shall be completely removed from the site and the land restored to its former condition. **Reason:** The retention of redundant buildings on site after their need has gone could lead to their deterioration which may cause the buildings to become injurious to the amenities of the area by virtue of an unsightly appearance contrary to Policies DP1, DAP4, DAP8 and DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of NPPF 2012;

- (12) the submitted Operational Management Plan shall be implemented in full and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. The Operational Management Plan shall be reviewed annually with each review submitted to and agreed in writing by the Local Planning Authority and implemented accordingly. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (13) noise arising from any plant or equipment at the site, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more

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than 3dB(A) measured as LAeq(5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (14) the visitor accommodation hereby approved shall only be used as short term holiday lets and shall not be occupied by an individual, family or group otherwise than for holiday use only. Holiday use means for occupation over a set period of recreation away from the sole permanent place of residence. The visitor accommodation shall at no time be used for the purposes of permanent residential accommodation. **Reason:** To ensure that approved visitor accommodation is not used for unauthorised permanent residential occupation, which would create sub-standard units of permanent residential accommodation and in the interests of protecting the Grade 1 listed building, park and garden in accordance with Policies RAP1, DAP4 & DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the National Planning Policy Framework 2012; and
- (15) the development hereby approved shall proceed only in strict accordance with the submitted construction method statement (as revised on 09/09/15) and shall be strictly adhered to throughout the construction period. In addition no HGV movements during the construction phase shall take place on Monday to Friday during the following time periods 07:00 – 09:00 and 16:00 – 18:00, to ensure that HGV traffic is limited during the peak travel periods in Warwick. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

87. W15/1337 – Peeping Tom Inn, 216 Cromwell Lane, Burton Green, Kenilworth

The Committee considered an application from Hickory's (Rhos) Limited to erect a single storey side/rear extension, including a veranda to the side/rear, after partial demolition of the existing extensions.

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

The officer was of the opinion that the objections raised were noted, however, only three objections had been raised in respect of the extensions. The brick built structures amounted to a 30% increase and the verandas were open-sided lightweight structures which would not harm the openness of the Green Belt and therefore the extensions were not considered to be inappropriate development within the Green Belt.

Furthermore, very special circumstances had also been submitted which illustrated that, without the extensions to increase the floor space, the public house was not a viable business and would very likely have to cease trading.

Taking all of the above into account, the proposals were considered to be acceptable.

An addendum circulated at the meeting stated that Environmental Health had raised no objection to the proposals. It considered that concerns raised by residents regarding loud music and late opening hours at the premises were addressed by the conditions of the existing premises licence. Also any future operator would have an on-going responsibility to ensure that both indoor and outdoor activities at the premises did not cause a statutory nuisance to local residents, be it as a result of noise, odour or otherwise.

It was clarified that the application site was the only public house within Burton Green. The nearest public house to the Peeping Tom Pub was the Bell Inn located in Coventry approximately 0.7 km away.

The following people addressed the Committee:

- Mr Bassett, who spoke on behalf of neighbouring properties in objection to the application;
- Mr Miller, who spoke in support and stated that a condition on an extraction system would be acceptable to the applicant; and
- Councillor Illingworth, speaking as Ward Member, who requested that two conditions be imposed if permission were granted relating to extraction equipment:
 - That any necessary alterations to the extraction flues and equipment was agreed with a Planning Officer; and
 - All extraction and venting was to be maintained in accordance with manufacturer's instructions.

Members were reminded that Environmental Health had not objected to the application and therefore any response to concerns voiced by neighbours

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about noise nuisance had to be proportionate. There were no immediate adjoining homes to the Inn and therefore the Head of Development Services asked Members to consider the justification for imposing any limitations on outside drinking and eating.

Following consideration of the report, presentation, the information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Miss Grainger and seconded by Councillor Ashford that the application be granted with an additional condition concerning extraction and venting.

The Committee therefore

Resolved that application W15/1337 be **granted** 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 H-PT-W-009; H-PT-W-004; H-PT-W-005; H-PT-W-006; H-PT-W-007; H-PT-W-008 , and specification contained therein, submitted on 21st August 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) Kitchen extraction and venting to be installed in agreement with the Planning Officer and maintained in accordance with manufacturer's instructions.

88. W15/1379 – 20 Crackley Hill, Coventry Road, Kenilworth

The Committee considered an application from Mr and Mrs Pope to erect a single storey rear extension.

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

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the application was not so harmful to the amenities of the property located at number 22, to present a reason to refuse the application.

An addendum circulated at the meeting detailed further comments from the residents at 22 Crackley Hill, who were concerned that the extension would cast a substantial shadow and requested that this extension should be reduced in size. In response, the applicant had agreed to hip the roof of the proposed extension following private negotiations between the applicant and neighbour.

The following people addressed the Committee:

- Councillor Illingworth, representing Kenilworth Town Council. Whilst the Town Council had objected to the application, it was Councillor Illingworth's opinion that following the amended plans, the Town Council would no longer object. He made it clear that whilst he did not have authority to remove the objection, it was his considered opinion that the revised plans would be acceptable; and
- Ms Gregory, who objected to the application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Mrs Stevens that the application be granted as per the revised plans submitted on 13 October 2015.

The Committee therefore

Resolved that application W15/1379 be granted on the revised plans submitted on 13 October 2015, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawing 15-013-01 Revision A, and specification contained therein, submitted on 30th September 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

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- (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 DP1 of the Warwick District Local Plan 1996-2011.

89. **W15/1210 – 8 Milverton Hill, Royal Leamington Spa**

The Committee considered an application from Mr Gill for the conversion of the existing garage to create an additional bedsit; erection of a boundary wall along Milverton Hill to No. 23 Church Hill and No. 8 Miverton Hill.

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

The officer was of the opinion that the provision of roof lights; high level windows and a glazed front door and the inclusion of a courtyard area to the essential core habitable room of the bedsit was considered adequate in providing appropriate levels of outlook and light levels for the future occupiers of the proposed bedsit and the proposal was therefore considered to be in accordance with the policy DP2.

The proposed brick boundary wall and external alterations were considered to result in an enhancement of this part of the Conservation Area and the proposal was therefore considered to accord with Policy DP8.

An addendum circulated at the meeting gave Members further clarification provided by the officer on Policy H6 of the Draft Local Plan on when planning permission may be granted for Houses in Multiple Occupation (HMO). The clarification then stipulated how this was applicable to the application under consideration. The officer felt that the application, which related to an existing HMO, was in accordance with the policy and was not considered to contribute to any over-concentration of HMOs within the locality.

The following people addressed the Committee:

- Councillor Miss Grainger, representing Royal Leamington Spa Town Council against the application.

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

The Committee therefore

Resolved that application W15/1210 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this

PLANNING COMMITTEE MINUTES (Continued)

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 No. 2461-02 Rev B; 2461-03 Rev B & 2461-05 Rev B, and specification contained therein, submitted on 18th September 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of the gates, doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **Reason:** To ensure that a satisfactory provision of off-street car parking is maintained in the interests of amenity, the free flow of traffic and highway safety in accordance with Policies DP2, DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not commence until sample details of the facing materials have 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. **Reason:** To ensure that the proposed

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

- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and
- (7) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the 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 the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

(Councillor Miss Grainger left the room after speaking as a Town Councillor and did not return until after the decision had been made.)

At 8.20pm, the Chairman adjourned the meeting for 20 minutes.

PLANNING COMMITTEE MINUTES (Continued)

90. **W15/1291 – 66 Mercia Way, Warwick**

The Committee considered an application from Mr Marshall for a proposed hardstanding area comprised of a permeable hardcore base; retaining grid and grassed surface.

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

The officer was of the opinion that the amended scheme for the hardstanding was considered to be acceptable as the surface was designed with a permeable hardcore base and with soil and grass above retained in a grid system which was designed to allow drainage of surface water within the application site. The proposal was therefore considered to comply with the policies listed in the report.

The officer informed Members that Warwick Town Council had submitted a late objection to the application on the grounds that the proposals in a built up area would adversely affect the living conditions of neighbouring residents.

The following people addressed the Committee:

- Mrs Bromley, who objected to the application; and
- Councillor Bromley, speaking as Ward Councillor in objection to the application.

A motion proposed by Councillor Mrs Falp and seconded by Councillor Ashford to defer the decision until ongoing correspondence with Warwickshire County Council had been completed, was defeated. Some Members considered that there was no reason for further delay because there would not be a better solution and, if nothing was done, then it would revert to a garden and that in itself would be a solution.

Following consideration of the report, presentation and the representations made at the meeting, a motion proposed by Councillor Boad and seconded by Councillor Boad to give consent to the application in accordance with the recommendations in the report, with an informative to the applicant relating to the type of surfacing, was granted following a casting vote from the Chairman.

The Committee therefore

Resolved that application W15/1291 be **granted** subject to the following conditions and an informative to the applicant relating to the type of surfacing:

- (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); and

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- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 4360/09G, and specification contained therein, submitted on 24th September 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

91. W15/1240 – 39 Bath Street, Royal Leamington Spa

The Committee considered an application from Mr Nagra for a proposed change of use of the ground floor from a shop (A1) to a restaurant (A3).

Councillors Barrott and Davison had requested that this application was presented to the Committee.

The officer was of the opinion that the proposed change of use would be contrary to the objectives of Policy TCP5 in the Local Plan and would undermine the retail viability of the Town Centre.

The following people addressed the Committee:

- Mr Nagra, the applicant; and
- Councillor Barrott, Ward Member, speaking in support of the application. Councillor Barrott argued that the listed building was ready to use and if this proposal was refused, then the building would be left to rot. He considered this to be exceptional circumstances and there was an opportunity to make use of a redundant building, the proposed use of which would not threaten other business already in situ. The proposed use would be as a café which would close at 8pm.

Members felt that a café would complement the area, and the opening hours were the same as a retail unit. It would make a redundant building useful again and would benefit the area. Councillors noted that the work that had already been done on the building had enhanced it.

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

The Committee therefore

Resolved that application W15/1240 be **granted** contrary to the recommendation in the report, subject to conditions on noise insulation, delivery and opening hours as recommended by Environmental Health.

92. W15/1414 – 11 Livery Street, Royal Leamington Spa

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Turtle Bay Restaurants Limited to vary Condition 10 of planning permission number W15/1050 to increase the number of covers within external seating area from 24 to 32.

The application was presented to Committee due to the number of objections received and because it related to a condition that had been imposed at the request of the Committee.

The officer was of the opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. Therefore, it was recommended that planning permission be granted for the variation of this condition.

An addendum circulated at the meeting informed Members that the comments shown on the report from the Town Council were incorrect and actually referred to comments it had previously made on application number W15/1050. Royal Leamington Spa Town Council had now responded to the current application and objected to it on the basis of additional noise and nuisance to the detriment of residents and occupiers of nearby properties.

The following people addressed the Committee:

- Councillor Miss Grainger, representing the Town Council, which objected to the application; and
- Mr Hargrave, a local resident, who also objected to the application.

Members felt that the issue of seating outside the premises had been debated carefully on 18 August when application W15/1050 had been decided and that 24 covers were sufficient. The reasons for limiting covers then were still relevant now and were reasonable.

Following consideration of the report, presentation, information contained within the addendum and the representations made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Mrs Knight that the application be refused.

The Committee therefore

Resolved that application W15/1414 be **refused**, contrary to the recommendation in the report, because of the impact on amenity.

(Councillor Miss Grainger left the room after speaking as a Town Councillor and did not return until after the decision had been made.)

93. **W14/0661 – Land at Lower Heathcote Farm, Harbury Lane, Warwick**

The Committee considered an application from Gallagher Estates Limited for the variation of a Section 106 Agreement relating to a residential development up to a maximum of 785 dwellings.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because it concerned the variation of an existing legal agreement relating to the approved application.

The officer was of the opinion that the proposed change to the S106 was acceptable and that this approach complied with the requirements of the NPPF paragraph 205.

An addendum circulated at the meeting clarified on what basis the revised contribution was calculated and the definition of "Hospital Contribution" within the current S106 detailed in the report as:

"means the sum of £1,678.00 (one thousand six hundred and seventy eight pounds) per Dwelling to be applied toward the cost of constructing a new ward block at Warwick Hospital and additional outpatient, diagnostic treatment and inpatient facilities, including hubs for community healthcare teams at Warwick and Leamington hospital sites and which shall be paid in accordance with Part 8 of the Third Schedule"

would be replaced with the following in accordance with the NHS requirements:

"means the sum of £1,039.97 (one thousand and thirty nine pounds and ninety seven pence) per Dwelling to be applied toward the costs of acute and planned health care services provided by the South Warwickshire NHS Foundation Trust to meet patient demand arising from the Development and which shall be paid in accordance with Part 8 of the Third Schedule".

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

The Committee therefore

Resolved that the Section 106 agreement is varied to allow the level of Hospital Contribution to be amended in accordance with the revised NHS formula stipulated in the addendum.

94. **W15/1121 – Talbot Inn, 34 Rushmore Street, Royal Leamington Spa**

The Committee considered an outline application from Mr Phelps for a change of use from a Public House (use Class A4) and flat (use Class C3) to two no. flats (use Class C3).

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

The officer was of the opinion that the applicant had demonstrated compliance with Local Plan Policy SC8 and consequently there were no grounds for insisting upon the retention of the public house. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area.

PLANNING COMMITTEE MINUTES (Continued)

Furthermore, the proposals were considered to be acceptable in terms of car parking and highway safety. Therefore, it was recommended that planning permission be granted.

Following consideration of the report and presentation it was proposed by Councillor Mrs Bunker and seconded by Councillor Ashford that the application be granted in accordance with the recommendations in the report.

The Committee therefore

Resolved that application W15/1121 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1642-SK-002B & 1642-SP-003, and specification contained therein, submitted on 23 July 2015 & 10 September 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick

PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 1996-2011;

- (4) 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; and

- (5) the ground floor flat hereby permitted shall not be occupied until the bin and cycle stores have been provided in strict accordance with the approved plans. The bin and stores shall be retained for those purposes at all times thereafter. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality and to ensure that there are adequate cycle parking facilities to serve the development, in accordance with Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011.

95. **W/15/1170 – Land at Bosworth Close, Baginton**

This application was withdrawn by the applicant prior to the meeting.

96. **W15/1404 – 34 Lillington Road, Royal Leamington Spa**

The Committee considered an application from Mangat Properties Limited for the conversion of a school into nine flats; demolition of the existing rear extension; erection of two and three storey rear/side extensions; installation of replacement windows and new window and door openings; and the excavation of front and rear light wells.

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

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Furthermore, the proposals were considered to be acceptable in terms of car parking, highway safety and the impact on bats. Therefore, it was recommended that planning permission be granted.

An addendum circulated at the meeting stated that Royal Leamington Spa Town Council did not object to the application.

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

The Committee therefore

Resolved that application W15/1404 be **granted** subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 1053-0518-A, 1053-0519-A, 1053-0520-A, 1053-0521-A, 1053-0522, 1053-0523, 1053-0524 & 1053-0525, and specification contained therein, submitted on 18 August 2015.
Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, rainwater goods, gates, walls and railings 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan

PLANNING COMMITTEE MINUTES (Continued)

1996-2011;

- (4) 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;

- (5) 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 and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any 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

PLANNING COMMITTEE MINUTES (Continued)

Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (6) the development hereby permitted shall not commence until a further bat survey has been carried out, to include appropriate activity surveys in accordance with BCT Bat Surveys - Good Practice Guidelines, and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (7) the proposed car parking area and cycle store for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area and cycle store shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted, unless agreed otherwise in writing by the District Planning Authority. **Reason:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (8) all window and door frames shall be constructed in timber and shall be painted and not stained. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (9) 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

PLANNING COMMITTEE MINUTES (Continued)

to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

- (10) the roofing material for the development shall be natural slate. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (11) none of the dwellings hereby permitted shall be occupied unless and until the bin store has been provided in strict accordance with the approved plans. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (12) the development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (13) no railings or other protective guard shall be installed on or around the front lightwells hereby permitted unless agreed otherwise in writing by the District Planning Authority. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (14) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (15) noise arising from the air source heat pumps hereby permitted, when measured one metre

PLANNING COMMITTEE MINUTES (Continued)

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 the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

97. 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 10.10 pm)