

# Planning Committee

Minutes of the meeting held on Tuesday 19 August 2014 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Rhead (Chairman); Councillors Boad, Brookes, Mrs Bromley, Mrs Bunker, De-Lara-Bond, Dean, Doody, MacKay, Weber and Williams.

There were no apologies.

## 53. **Substitutes**

Councillor Dean substituted for Councillor Wilkinson.

## 54. **Declarations of Interest**

Minute number 57 – W14/0689 – Land North of Oakley Wood Road, Bishop's Tachbrook

Councillor Brookes declared an interest because the application site was in his Ward. He addressed the Committee on this item as a Ward Councillor supporting the application, then withdrew from the meeting for the remainder of the item.

Minute number 58 – W14/0661 – Land at Lower Heathcote Farm, Harbury Lane, Warwick

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

Councillor Weber declared an interest because his wife was the reporting officer for the Environment Agency.

Minute number 59 – W14/0618 – Land north of Common Lane, Kenilworth (Crackley Triangle)

Councillor Mrs Bunker declared an interest because the application site was on the border of her Ward.

Minute number 60 – W14/0693 – West of 22 Wellesbourne Road, Barford, Warwick

Councillor Rhead declared an interest because the application site was in his Ward and he knew the speaker Mr Scott.

Minute number 62 – W14/0905 – Land at Tachbrook Road, Royal Leamington Spa

The Committee as a whole declared an interest because the site was owned by Warwick District Council.

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

### Minute number 63 – W14/0978 – 31 Oakwood Grove, Warwick

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

### Minute number 65 – W14/0845 – Multilines, Common Lane, Kenilworth

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

(See minute 66 for the Declarations of Interest made on the reserve night of 20 August 2014)

## **55. Site Visits**

To assist with decision making, Councillors Mrs Bromley, Dean, Doody, Rhead, Weber and Williams visited the following application sites on Saturday 16 August 2014:

W14/0926 - 155 Clinton Lane, Kenilworth  
W14/0618 - North of Common Lane, Kenilworth (Crackley Triangle)  
W14/0978 - 31 Oakwood Grove, Warwick  
W14/0693 - Wellesbourne Road, Barford  
W14/0689 - Oakley Wood Road, Bishops Tachbrook  
W14/0661 - Land at Lower Heathcote Farm, Warwick  
W14/0905 - Tachbrook Road, Royal Leamington Spa

Councillor Mrs Bunker advised the Committee that she had visited sites independently.

Councillor MacKay stated that he had visited sites but not entered them.

## **56. Minutes**

The minutes of the meeting held on 22 July 2014 were agreed and signed by the Chairman as a correct record.

Prior to considering planning applications, officers gave the Committee updated information on the housing land supply requirement.

## **57. W14/0689 – Land north of Oakley Wood Road, Bishop's Tachbrook**

The Committee considered an application from Bloor Homes Limited for the development of up to 150 dwellings, school drop off, open space, landscaping, sustainable drainage systems, access, footpaths and associated infrastructure.

The application was presented to the Committee because it was a major application, subject to a Section 106 agreement, and a number of objections had been received.

The officer considered the following policies to be relevant:

Warwickshire Landscape Guidelines SPG

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

Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)

Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

National Planning Policy Framework

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Open Space (Supplementary Planning Document - June 2009)

Vehicle Parking Standards (Supplementary Planning Document)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Affordable Housing (Supplementary Planning Document - January 2008)

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

DP5 - Density (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

Draft Village Housing Options and Settlement Boundaries (November 2013)

Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW2, FW3, FW4, HE2, HE6, NE2, NE3, NE4, NE5, W1, DM1.

An addendum circulated at the meeting advised the Committee of further consultation responses, requests and information received following publication of the agenda. It also contained amendments to the report, details of the Section 106 agreement and a number of revised conditions.

It was the officer's opinion that, due to the Council's lack of a five year supply of housing land, Local Plan Policy RAP1 was out of date. Therefore

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

the NPPF required applications to be considered in the context of the presumption in favour of sustainable development. This stated, at paragraph 14, that where the development plan policies were out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There were three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Business would also benefit economically through the provision of highway network improvements. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space, and improvements to shared infrastructure. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and improved footpath/cycle way links. The site was in a sustainable location adjacent to the village area and would be integrated into the existing settlement by sustainable transport links. It was therefore concluded that the development represented sustainable development by satisfying the three dimensions identified in the NPPF.

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

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

A number of people addressed the Committee: Councillor Deely spoke in support of the application on behalf of Bishop's Tachbrook Parish Council; Mr King spoke not in objection to the scheme itself, but objecting to a lack of cycling access to or through the scheme; Mr Stephens represented the views of the applicant; and Ward Councillor Brookes spoke in support of the application. Councillor Brookes left the room immediately after addressing the Committee, and did not return until this item of business was concluded.

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

A proposal to grant the recommendations in the report, as amended in the addendum, was supported unanimously, subject to the first reference to "lighting" under condition 6 being amended to read "low energy", an informative on the decision notice to deal with the distribution of affordable and social housing, and officers were asked to seek a commitment from Warwickshire County Council to make a cycle path through the site a priority.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee

**Resolved** that W14/0689 be **granted** subject to the receipt of a satisfactory Section 106 agreement and the conditions listed below. Should a satisfactory Section 106 Agreement not have been completed by 22 August 2014, 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.

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

**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 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);

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

- (4) the access hereby permitted shall be constructed in strict accordance with the details shown on the site location plan and approved access drawing 10255-HL-07 Rev D, and specification contained therein, submitted on 18 August 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011;
- (5) no development shall commence until a construction phasing plan has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the phases established in this approved phasing plan. **Reason:** To ensure the proper phasing of the development;
- (6) no phase of development shall commence under any reserved matters consent until a detailed low energy scheme for that phase 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 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; and
  - (d) connections to areas important for foraging should contain unlit stretches.

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

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

## PLANNING COMMITTEE MINUTES (Continued)

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

- (7) no phase of development shall take place under any reserved matters consent until a scheme for that phase showing how either 10% of the predicted energy requirement of the phase will be produced on or near to the site, from renewable energy resources, or a scheme has been submitted to achieve the equivalent carbon savings by the installation of building fabric improvements, 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 this scheme have been completed and thereafter the works shall be retained at all times 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;

- (8) no phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter.

**Reason:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;

- (9) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the 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: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall

## PLANNING COMMITTEE MINUTES (Continued)

the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until 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;

- (11) the development hereby permitted (including demolition) 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 LPA 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 National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan;
- (12) 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 pond, wildflower grasslands, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net bio-diversity gain in accordance with the National Planning Policy Framework (NPPF);
- (13) the development hereby permitted shall not commence until: -



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

- (1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
    1. a risk assessment to be undertaken relating to human health;
    2. a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
    3. an appropriate gas risk assessment to be undertaken;
    4. refinement of the conceptual model; and
    5. the development of a method statement detailing the remediation requirements.
  - (b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
  - (c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.
- (2) All development of the site shall accord with the approved method statement.
- (3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless an addendum to the method statement, detailing how the unsuspected contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority).

## PLANNING COMMITTEE MINUTES (Continued)

This addendum to the method statement must detail how this unsuspected contamination shall be deal with.

- (4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

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

- (14) no phase of development shall commence under any reserved matters consent until a scheme for that phase detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road 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 thereafter.

**Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (15) no phase of development shall commence under any reserved matters consent until a scheme for that phase for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of fire safety;

- (16) the development (including any works of demolition) shall proceed only in strict

## PLANNING COMMITTEE MINUTES (Continued)

accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the 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; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

- (17) no phase of development shall commence under any reserved matters consent until a Low Emission Strategy for that phase has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details.

**Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

- (18) the development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (19) prior to the submission of any Reserved Matters applications for any phase of development:
- (a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the local planning authority;
  - (b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken;
  - (c) a report detailing the results of this fieldwork shall be submitted to and approved in writing by the local planning authority; and
  - (d) an Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

No development shall take place until all fieldwork detailed in the approved Archaeological Mitigation Strategy has been completed in strict accordance with the approved details. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Archaeological Mitigation Strategy.

**Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;

- (20) no phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority
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## PLANNING COMMITTEE MINUTES (Continued)

authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. Post development runoff volumes and peak flow rates will be limited to the Greenfield discharge rate for all rainfall return periods up to and including the 100 year plus 30% (for climate change) as outlined within the Flood Risk Assessment. On-Site surface water attenuation will be provided to the 1:100 Climate change (30%) standard using Sustainable Urban Drainage Systems. The site drainage strategy will demonstrate the appropriate assessment and adoption of SUDS techniques. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;

- (21) any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (22) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be
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## PLANNING COMMITTEE MINUTES (Continued)

cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (23) the mix of type and size of market dwellings submitted as part of any reserved matters application and constructed on site must accord with the following proportions: 20% 2 bedroom dwellings; 20% 3 bedroom dwellings; and 60% 4+ bedroom dwellings. **Reason:** To ensure that the housing meets the needs of the village and the District as required by Local Plan Policy SC1 and the NPPF;

- (24) the development shall be predominantly 2 storey with a small element of 2.5 storey buildings as indicated in the Design and Access Statement submitted on 9 May 2014.  
**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;

- (25) the proposed off-site accident remedial works at M40 Junction 13 illustrated on Brookbanks Consulting Ltd Drawing Number 10255-HL-12-Rev A submitted in support of the planning application shall be installed to the satisfaction of the Highways Agency prior to occupation of the 35th dwelling. **Reason:** To enable the M40 motorway to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act 1980 and to protect
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## **PLANNING COMMITTEE MINUTES (Continued)**

the interests of road safety; and

(26) the development hereby permitted shall not commence until a full scheme of works, including details of the timing of construction, has been submitted to and approved in writing by the local planning authority for:

(a) the provision of a school pick up/drop off area as indicated on the Development

Framework Plan (drawing no. 136\_002 C);

(b) the provision of improved fencing and paths, landscaping, automated pedestrian gate, CCTV, lighting and shelter within the Primary School grounds;

(c) the provision of vehicle parking for the existing allotments adjacent to the eastern boundary of the site;

(d) the provision of a pedestrian/cycleway between the development and the sports and social club car park, as highlighted in pink on Brookbanks Consulting drawing no. 10255-HL-05A; and

(e) the provision of a footpath to the south of the site alongside Oakley Wood Road, as highlighted in pink on Brookbanks Consulting drawing no. 10255-HL-05A.

The scheme of works approved shall be completed in strict accordance with the approved details.

**Reason:** To ensure compliance with the terms of the application.

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

The Committee considered an outline application, including details of access, from Gallagher Estates Ltd for residential development up to a maximum of 785 dwellings; provision of three points of access - one from Europa Way and two access points onto Harbury Lane; a mixed use community hub/local centre to include retail development (Class A1 to A5 inclusive) and community buildings (Class D1); provision of a primary school; comprehensive green infrastructure including a country park, continuous open space network and multi-functional open space, including children's play space, open space for sport, informal open space and SUDS; provision of allotments; footpaths and cycle ways; foul and surface water drainage infrastructure, including attenuation ponds; ancillary infrastructure and ground remodelling.

The application was presented to the Committee because it was a major application, subject to a Section 106 agreement, and a number of objections had been received including one from Warwick Town Council.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

DP5 - Density (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

Draft Village Housing Options and Settlement Boundaries (November 2013)

Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, DS15, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW2, FW3, FW4, HE1, HE2, HE4, HE6, NE2, NE3, NE4, NE5, W1, DM1.

Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)

Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

Warwickshire Landscape Guidelines SPG

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Open Space (Supplementary Planning Document - June 2009)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Affordable Housing (Supplementary Planning Document - January 2008)

An addendum circulated at the meeting advised the Committee of further information and comments received following publication of the agenda. It stated that the deadline for completion of the Section 106 agreement had been amended to 19 September 2014, in agreement with the developer.



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

The addendum also set out amendments to a number of conditions and a proposed additional condition put forward by Warwickshire County Council's Archaeology Department. Finally, the addendum set out a corrected indicative layout plan of the site.

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

There were three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space and footpaths, and improvements to shared infrastructure, including contributions towards major extensions at Myton and Campion Secondary Schools. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces and footpath links. The site was in a sustainable location adjacent to the town where residents could access a range of services. It was therefore concluded that the development represented sustainable development by satisfying the three dimensions identified in the NPPF.

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

In the particular circumstances of this application, it was not considered that the adverse impacts on the landscape and rural area significantly and demonstrably outweighed the benefits of the development. The development was considered to comply with all current Local Plan policies aside from RAP1, which the NPPF advised could not carry any weight. Furthermore, the development was considered to comply with the policies of the NPPF, taken as a whole. The presumption in favour of sustainable development carried substantial weight, as did the contribution the development would make to the provision of housing to meet the needs of the District. The fact that the site was identified as a housing allocation in the Draft Local Plan needed to be given serious consideration, due to its stage in the plan process. However, the evidence base supporting the inclusion of the site in the Draft Local Plan carried some weight. It was therefore concluded that planning permission should be granted.

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

The following people addressed the Committee: Councillor Deely, representing the objections of Bishop's Tachbrook Parish Council; Councillor Mrs Falp, objecting in her capacity as a Warwick Town Councillor; Mr King and Mr Oaks objected; Mr MacKay represented the advice and objections of the Warwick District Conservation Advisory Forum; Mr Bateman represented the views of the applicant; and Ward Councillor Mrs Mellor objected.

It was proposed and seconded that the application be refused on the basis that the development was not sustainable and to protect good quality agricultural land. This motion was lost with three votes in favour of the proposal and seven against.

A representative of Warwickshire County Council responded to concerns about the internal layout of the site and bus routes. Members were assured that discussions over plans for sustainable transport links were underway. In reaching its decision, the Committee sought assurance that a primary school would be built when the appropriate threshold for local demand was achieved and also asked for the "lighting scheme" condition to read "low energy scheme".

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee

**Resolved** that W14/0661 be **granted** subject to the receipt of a satisfactory Section 106 agreement and the conditions listed below. Should a satisfactory Section 106 Agreement not have been received by 19 September 2014, 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. The Committee also wanted an assurance that a primary school will be built when the appropriate threshold is achieved.

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

**Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 as amended;

- (2) application for approval of the reserved
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## **PLANNING COMMITTEE MINUTES (Continued)**

matters shall be made to the local planning authority not later than three years from the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

- (3) the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) the development hereby permitted shall be carried out substantially in accordance with the details described in the Design and Access Statement and as shown on the site location plan and key parameter plans (referenced Bir.4361\_01G) contained within the Environmental Statement and drawing(s)
- BIR.436\_02A-2 I submitted on 8 July 2014 (site location plan)
  - 1050943/SK031 RevH (access to Europa Way) and
  - 11050943/SK0007 Rev C submitted on 4 July 2014 (access to Harbury Lane)
- and specification contained therein although for the avoidance of doubt the illustrative masterplan is not approved.

**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. The application is in outline with all matters (save access) reserved and the local planning authority wishes to ensure that those details that have not yet been submitted are appropriate to the locality in terms of visual and residential amenity and reflect the scale and nature of the development assessed in the submitted Environmental Statement and that they accord with adopted planning policy and strategy;

- (5) the access to the site from Europa Way shall be located and laid out in general accordance with drawing 11050943/SK031 Rev H.

**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011;

- (6) the access to the site from Harbury Lane shall
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## PLANNING COMMITTEE MINUTES (Continued)

be located and laid out in general accordance with drawing 11050943/SK007 Rev C.

**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011;

- (7) prior to commencement of the development, the applicant is required to submit a scheme detailing the form and location of bus stops to be provided on Gallows Hill. These stops shall then be implemented in full prior to occupation of the first dwelling on the site. **Reason:** In the interests of securing sustainable transport improvements in accordance with the NPPF and Policy SC12 of the Warwick District Local Plan 1996-2011;
- (8) no reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with the principles and parameters as set out within the DAS, the plans and documents listed in condition 4 above and "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time). The Design Code shall include the following matters:
- hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas)
  - Development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
  - Building types
  - Building heights
  - The means to accommodate the parking of vehicles and cycles
  - Sustainable Urban Drainage features
  - Key spaces, open spaces and green features
  - Architectural language and detailing
  - Design principles for street tree planting and other structural planting landscaping areas
  - Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management

## PLANNING COMMITTEE MINUTES (Continued)

- Design principles on waste disposal and recycling
- Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures
- Design principles for street lighting and any other lighting to public space (including parking areas)
- The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250
- A mechanism for periodic review and refinement if necessary of the approved Design Code

The Design Code shall then be used to inform the subsequent reserved matters applications.

**Reason:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DP1, DP14, DP15 and SC15 of the Warwick District Local Plan 1996-2011; and DS7, DS15, BE2 of the Warwick District Local Plan - Publication Draft 2014;

- (9) no reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Masterplan for the approved development, which shall substantially be in accordance with the approved plans and documents listed above in condition 4 and the principles set out within the Council's approved document 'Garden Towns, Villages and Suburb: A Prospectus for Warwick District Council, May 2012' (and any subsequent revision and/or approved plans/strategy available at the time), and which shall also accord with the principles set out in the approved Site Wide Design Code.

The Site Wide Master Plan shall include the following:

- Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context
- Land form topography as existing and proposed
- Land use plan and character areas (including densities and building heights)
- Movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) and demonstrating how these

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

relate to existing movement networks in the wider area

- Location of any areas for off-street car parking areas and courts
- Key infrastructure (including SUDs, significant utility provision, schools, district/local centres)
- Landscape corridors and open space network
- Public open space
- Housing mix including tenure and size of dwelling
- Location of affordable housing
- Street tree planting and other structural planting landscape areas
- Hard and soft landscaping treatments
- Street lighting arrangements and any other lighting to public space
- A phasing plan including triggers for delivery of key elements of supporting infrastructure
- A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

**Reason:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DP1, DP14, DP15 and SC15 of the Warwick District Local Plan 1996-2011; and DS7, DS15, BE2 of the Warwick District Local Plan - Publication Draft 2014;

- (10) no development shall take place under any relevant phase of development until a detailed low energy scheme for that phase 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 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
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## PLANNING COMMITTEE MINUTES (Continued)

dark periods; and  
(d) connections to areas important for foraging should contain unlit stretches.

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

**Reason:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011;

- (11) no phase of the development shall take place under any reserved matters consent until a scheme for that reserved matters consent and phase of development showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the local planning authority. That phase of development shall not be first occupied until all the works within this 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. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

**Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (12) no development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;

## PLANNING COMMITTEE MINUTES (Continued)

- (13) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the 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: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until 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;
- (14) the development hereby permitted (including demolition) 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 LPA 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 National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan;
- (15) 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



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

sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as pond, wildflower grasslands, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net bio-diversity gain in accordance with the National Planning Policy Framework (NPPF);

(16) the development hereby permitted shall not commence until: -

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

- a risk assessment to be undertaken relating to human health;
- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
- an appropriate gas risk assessment to be undertaken;
- refinement of the conceptual model; and
- the development of a method statement detailing the remediation requirements.

(b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved

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

in writing by the local planning authority prior to the remediation being carried out on the site.

- (2) All development of the site shall accord with the approved method statement.
- (3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.
- (4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

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

- (17) the development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be 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 thereafter. **Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (18) the development hereby permitted shall not be
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## **PLANNING COMMITTEE MINUTES (Continued)**

commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of fire safety;

- (19) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

- (20) no development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

## PLANNING COMMITTEE MINUTES (Continued)

- (21) the development hereby permitted shall be carried out in strict accordance with details of a scheme for the design and construction of the means of disposal of surface water from the development and associated SUD's facilities, that shall have been submitted to and approved in writing by the local planning authority. These details shall include large scale plans, cross and longitudinal sections, showing the design, with a plan indicating proposed finished floor levels, construction of the surface water drainage systems to the outfalls and include condition surveys to outfall ditches from the development. The development hereby permitted shall not be brought into use until a report detailing the future maintenance of all drainage systems on site, which must be accompanied with a risk assessment, has been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;
- (22) the development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;
- (23) the development hereby permitted (including vegetation clearance) shall not commence until further breeding bird surveys of the site have been carried out and a detailed mitigation plan including schedule of works and timings has been submitted to and approved in writing by the local planning authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To 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

## PLANNING COMMITTEE MINUTES (Continued)

the Warwick District Local Plan;

- (24) no works to start on site until adequate measures have been taken to protect Local Wildlife Site, Tach Brook with associated habitat and areas of woodland, during development. A barrier, such as a wire fence should be erected before work starts. This fenced area should include a buffer zone between the development and the boundary of the LWS and woodland. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to ground flora. **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;

- (25) no units hereby permitted shall be used for Use Class A3 to A5 purposes unless:

(a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;

(b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and

(c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

- A noise assessment has been undertaken to assess the impact of noise arising from any plant, fume extraction, air conditioning or refrigeration equipment that is required to serve that unit.
- Any plant or equipment installed at that unit shall comply with the following criteria: 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

## PLANNING COMMITTEE MINUTES (Continued)

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 residents of the development from the adverse effects of noise and fumes from commercial activities within the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (26) any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (27) 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
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## **PLANNING COMMITTEE MINUTES (Continued)**

shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

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

(29) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

### **59. W14/0618 – Land north of Common Lane, Kenilworth (Crackley Triangle)**

The Committee considered an outline application, including details of access, from Bloor Homes Ltd & Bluemark Projects Ltd for the erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane.

The application was presented to the Committee because it was a major application, subject to a Section 106 Agreement, and a number of objections had been received including one from Stoneleigh and Ashow Joint Parish Council.

The officer considered the following policies to be relevant:

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

National Planning Policy Framework

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

DP5 - Density (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW2, FW3, FW4, HE6, NE2, NE3, NE4, NE5, W1, DM1. Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)

Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Open Space (Supplementary Planning Document - June 2009)

Vehicle Parking Standards (Supplementary Planning Document)

Warwickshire Landscape Guidelines SPG

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Affordable Housing (Supplementary Planning Document - January 2008)

An addendum circulated at the meeting set out comments received following publication of the agenda from Warwickshire County Council, Warwickshire and West Mercia Police, the District Council's Cultural Services department and two further public objections.

It was the officer's opinion that, due to the Council's lack of a five year supply of housing land, Local Plan Policy RAP1 was out of date. Therefore the NPPF required applications to be considered in the context of the presumption in favour of sustainable development. This stated at



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

paragraph 14 that where the development plan policies were out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

There were three dimensions to sustainable development: economic, social and environmental. The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Business would also benefit economically through the provision of highway network improvements. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space, and improvements to shared infrastructure. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, sustainable drainage measures and improved footpath/cycle way links. The site was in a sustainable location adjacent to the urban area and would be integrated into the existing settlement by sustainable transport links. It was therefore concluded that the development represented sustainable development by satisfying the three dimensions identified in the NPPF.

It had been concluded that any issues of concern that had been raised could be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have an adverse impact on the surrounding landscape in terms of the loss of openness and harm to rural character. However, these impacts needed to be balanced against the wider benefits of the development listed above. It was also concluded that in the circumstances of this case, very special circumstances had been demonstrated to justify the inappropriate development in the small areas of the site that were in the Green Belt.

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

The following people addressed the Committee: Councillor Illingworth, representing the objections of Kenilworth Town Council; objectors Mr Green, Mr King, Mr Smart and Mr McLean, who spoke on behalf of Crackley Residents Association and Mr Warren; and Mr May, representing the applicant.

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

A representative of Warwickshire County Council responded to questions concerning access, ease of access to the site by emergency services, safety and amenity.

A motion to refuse the application was proposed and seconded.  
Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee

**Resolved** that W14/0618 be **refused** contrary to the recommendations in the report on the following grounds: because of the impact of a contrived access on the highway network; loss of visual amenity, in particular when viewed from the Green Way; and environmental, safety and amenity considerations.

### **60. W14/0693 – West of 22 Wellesbourne Road, Barford, Warwick**

The Committee considered a full planning application from Taylor Wimpey UK Limited for the erection of 60 dwellings including associated car parking and garages, formation of a new access from Wellesbourne Road, public open space, balancing pond, landscaping, associated earthworks, demolition of No. 22 Wellesbourne Road, associated highways works, relocation of the decommissioned BT telephone box on Wellesbourne Road and other ancillary and enabling works.

The application was presented to the Committee because it was a major application, subject to a Section 106 agreement, and a number of objections had been received including one from Barford, Sherbourne and Wasperton Joint Parish Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework (NPPF)

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

DP5 - Density (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

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

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
Draft Village Housing Options and Settlement Boundaries (November 2013)  
Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW2, FW3, FW4, HE2, HE6, NE2, NE3, NE4, NE5, W1, DM1.  
The 45 Degree Guideline (Supplementary Planning Guidance)  
Distance Separation (Supplementary Planning Guidance)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Open Space (Supplementary Planning Document - June 2009)  
Vehicle Parking Standards (Supplementary Planning Document)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Affordable Housing (Supplementary Planning Document - January 2008)  
Barford Village Design Statement (September 2009)  
Warwickshire Landscape Guidelines SPG  
Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)  
Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

An addendum circulated at the meeting advised the Committee of further consultation responses and information received following publication of the agenda.

It was the officer's opinion that, as the Council could not demonstrate a five year supply of deliverable sites for housing, Policy RAP1 was out of date. The NPPF placed great weight on the conservation of heritage assets and stated that less than substantial harm to heritage assets could only be justified where it could be shown that the public benefits of the scheme outweighed the harm to the heritage asset. The proposal would result in less than substantial harm to the Conservation Area.

The public benefits of the scheme consisted of the provision of market and affordable housing which would increase choice, meet local needs, and increase housing supply in the District, provision of employment during construction, improvements to and provision of open space, sports facilities, and footpaths. The site was in a sustainable location adjacent to the village where residents could access a range of services. The adverse impact on the landscape surrounding the village would not be great. It was considered that the proposed design and mitigation of the access would ensure satisfactory integration with the Conservation Area that would preserve its character and appearance, whilst the demolition of the existing dwelling would not have an adverse impact. Therefore the proposal would not have an adverse impact on the special qualities of the Conservation Area and would not result in significant harm to highway safety or neighbouring amenity. It was concluded that harm to heritage assets was outweighed by the public benefits of the scheme. The development was considered to comply with all current Local Plan policies listed aside from

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

RAP1, which the NPPF advised could not carry any weight. Furthermore the development was considered to comply with the policies of the NPPF, taken as a whole. The presumption in favour of sustainable development carried substantial weight, as did the contribution the development would make to the provision of housing to meet the needs of the District. The fact that the site was identified as a housing allocation in the Draft Local Plan needed to be given serious consideration, due to its stage in the plan process. However, the evidence base supporting the inclusion of the site in the Draft Local Plan carried some weight. It was therefore concluded that planning permission should be granted.

The following people addressed the Committee: Mrs Long, representing her own objections, those of her husband and of a number of neighbours; objectors Mr Peters and Mr Scott; and Mrs Ventham representing the applicant.

In reaching its decision, the Committee asked Officers to ensure that Barford School was given "first call" and that the Committee's desire to see funds allocated to improve the northern bypass junction should be reiterated to Warwickshire County Council.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee

**Resolved** that W14/0693 be **granted** subject to the receipt of a satisfactory Section 106 agreement and the conditions listed below. Should a satisfactory Section 106 Agreement not have been received by 16 September 2014, 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.

- (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) (P14:4872:10 Rev0, P14:4872:11 Rev0, P14:4872:12 Rev0, P14:4872:13 Rev0, P14:4872:14 Rev0, P14:4872:15 Rev0, P14:4872:16 Rev0, P14:4872:17 Rev0, P14:4872:18 Rev0, P14:4872:19 Rev0, P14:4872:20 Rev0, P14:4872:21 Rev0, P14:4872:22 Rev0, P14:4872:23 Rev0, P14:4872:24 Rev0, P14:4872:25 Rev0, P14:4872:26 Rev0, P14:4872:27 Rev0, P14:4872:28 Rev0, P14:4872:29 Rev0, P14:4872:30 Rev0, P14:4872:31 Rev0, P14:4872:32 Rev0,  
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## PLANNING COMMITTEE MINUTES (Continued)

P14:4872:33 Rev0, P14:4872:34 Rev0, P14:4872:35 Rev0, P14:4872:36 Rev0, P14:4872:37 Rev0, P14:4872:38 Rev0, P14:4872:39 Rev0, P14:4872:40 Rev0, P14:4872:41 Rev0, P14:4872:42 Rev0, P14:4872:43 Rev0, P14:4872:44 Rev0, P14:4872:45 Rev0, P14:4872:46 Rev0, P14:4872:03 Rev0, P14:4872:04 Rev0, P14:4872:05 Rev0, P14:4872:50 Rev0, 20252\_02\_001 RevH submitted on 19 May 2014. P14:4872:01 RevB submitted on 5 August 2014. CSa/1924/109 RevM submitted on 4 August 2014), and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) the development hereby permitted shall not commence until: -

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

- a risk assessment to be undertaken relating to human health;
- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
- an appropriate gas risk assessment to be undertaken;
- refinement of the conceptual model; and
- the development of a method statement detailing the remediation requirements.

(b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the

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

information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved in writing by the local planning authority prior to the remediation being carried out on the site.

- (2) All development of the site shall accord with the approved method statement.
- (3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.
- (4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

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

- (4) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees, and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for
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## **PLANNING COMMITTEE MINUTES (Continued)**

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 District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason To protect trees and other features on site during construction. **Reason:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (5) no development shall take place under any relevant phase of development until a detailed lighting scheme for that phase 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 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; and
- (d) connections to areas important for foraging should contain unlit stretches.

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

**Reason:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-  
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2011;

- (6) no phase of the development shall take place until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the local planning authority. That phase of development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (7) no development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;
- (8) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the 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: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials
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## PLANNING COMMITTEE MINUTES (Continued)

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;

- (9) the development hereby permitted (including demolition) 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 LPA 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 National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan;
- (10) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the 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 pond, wildflower grasslands, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net bio-diversity gain in accordance with the National Planning Policy Framework (NPPF);
- (11) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective,
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## **PLANNING COMMITTEE MINUTES (Continued)**

within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (12) the development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be 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 thereafter. **Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (13) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **Reason:** In the interests of fire safety;
- (14) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials;
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## PLANNING COMMITTEE MINUTES (Continued)

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

- (15) no development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;
- (16) no development shall be commenced on site until detailed engineering drawings of the proposed attenuation pond and any other SUDS features incorporated into the design of the site have been submitted and agreed in writing by the local planning authority. These proposals should include vehicle and pedestrian access to the proposed attenuation pond to allow for maintenance crews to access the area to maintain control structures and the pond. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;
- (17) no development shall take place within the application site, unless and until a programme

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

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

(18) access to the site and associated highway works including bus stops and crossings shall be laid out in general accordance with drawing 20252\_03\_003 Rev M. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(19) the development shall not be commenced until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 70 metres to the left and 93 metres to the right, measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and

(20) prior to the occupation of the development hereby permitted, the acoustic fences shown on drawing 1924:109 RevM shall be installed. **Reason:** To protect the amenity of adjacent dwellings in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

(Councillors Brookes and De-Lara-Bond left the meeting at the conclusion of this item)

### **61. W14/0907 – Land to the South of Fieldgate Lane, Royal Leamington Spa**

The Committee considered an application from Bovis Homes Limited for the variation of condition 7 of planning permission W13/0858.

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

The application was presented to the Committee because a number of objections had been received including one from Royal Leamington Spa Town Council.

The officer considered the following policies to be relevant:

The National Planning Policy Framework  
Policy DP12 - Energy Efficiency  
Policy DP13 – Renewable Energy Developments  
Policy CC2: Planning for Renewable Energy and Low Carbon Generation  
Policy CC3: Building Standards Requirements

It was the officer's opinion that the variation of condition would be acceptable as it would meet the overall aims and objectives of Policy DP13 of the current Local Plan 1996-2011 and result in reduced CO2 emissions in accordance with emerging Local Plan policies.

The following people addressed the Committee: Councillor Mrs Falp, representing the objections of Whitnash Town Council; Mr Watkins, objecting; and Mr Stephens, representing the applicant.

A motion to grant the variation was not seconded.

Following consideration of the report and presentation, and the representations made at the meeting, the Committee

**Resolved** that W14/0907 be **refused** because it is contrary to Warwick District Council's policy on 10% renewables.

### **62. W14/0905 – Land at Tachbrook Road, Royal Leamington Spa**

The Committee considered an application from Willmott Dixon Housing Ltd for the demolition of existing buildings and erection of 5, 4 & 3 storey apartment block to provide 76 apartments to include 1 & 2 bedroom apartments; and the erection of 5 single storey dwellings with associated landscaping and parking.

The application was presented to the Committee because it was a major application and the applicant was Warwick District Council.

The officer considered the following policies to be relevant:

DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

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

H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
H5 - Specialist Housing for Older People (Warwick District Local Plan 2011-2029 Publication Draft April 2014)  
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)  
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)  
National Planning Policy Framework  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Distance Separation (Supplementary Planning Guidance)  
The 45 Degree Guideline (Supplementary Planning Guidance)  
Vehicle Parking Standards (Supplementary Planning Document)  
Open Space (Supplementary Planning Document - June 2009)  
Affordable Housing (Supplementary Planning Document - January 2008)

An addendum circulated at the meeting corrected an error in the report, which stated that the distance separation between the proposed

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

development and the properties facing the site across Tachbrook Road was 20 metres. The correct separation distance was 40 metres, which was in accordance with the relevant distance separation guidance.

The addendum set out further points of clarification, a number of amendments to conditions and additional conditions.

It was the officer's opinion that the proposals would not have a detrimental impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. The design of the proposal sat comfortably within the Conservation Area and would further enhance it. Furthermore, the proposals were considered to be acceptable in terms of car parking, highway safety, impact on trees, ecological impact and affordable housing. Therefore it was recommended that planning permission be granted.

The Committee supported the proposals but was concerned that the dwellings should be accessible by people using mobility scooters and requested an additional condition to address the provision of a store and charger and for such vehicles.

Following consideration of the report, presentation and addendum, the Committee

**Resolved** that W14/0905 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 drawings No. D50, D51, D52, D53, D54 Rev A, D56, D57, D200 dated 10<sup>th</sup> June 2014; D55 dated 16<sup>th</sup> June 2014; D100 Rev D dated 18<sup>th</sup> August 2014;
- (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 and rainwater goods at a scale of 1:5 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 adjacent to the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (4) no development shall commence until details of surface and foul water drainage (to include sustainable drainage techniques and drainage calculations) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **Reason:** To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy DP11 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out 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;
- (6) no part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes to be erected on trees/buildings within the site has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the platform(s)/box(es) shall be installed and maintained in perpetuity. **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) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause



## PLANNING COMMITTEE MINUTES (Continued)

7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) 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 protected tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (8) 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 those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

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

- (9) none of the dwellings hereby permitted shall be occupied unless and until the refuse and recycling store has been provided in strict accordance with the approved plans. The refuse and recycling store shall be retained at all times thereafter. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (10) the hard surfaces forming the car parking spaces hereby permitted shall be constructed of porous materials. **Reason:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan;
- (11) prior to the occupation of the development hereby permitted, balcony to the upper ground floor on block 1 and the balcony around the roof terrace shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view. **Reason:** To protect the privacy of users and occupiers of nearby properties and the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (12) the development shall be carried out only in full accordance with sample details of all facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (13) the residential accommodation hereby permitted shall only be occupied by persons aged 55 years of age or over, persons living as part of a single household with such a person or persons, and persons who were living as part of a single household with such a person or persons who have since become deceased. **Reason:** To ensure that the accommodation hereby permitted is occupied in accordance with the terms of this permission and with existing and emerging Local Plan policies directed at the provision of appropriate

## PLANNING COMMITTEE MINUTES (Continued)

residential accommodation for elderly people within the District;

- (14) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;
- (15) 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 unless otherwise agreed in writing by the local planning authority. **Reason:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (16) none of the residential accommodation hereby permitted shall be first occupied unless and until the bio mass boiler located in Block 1 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 low carbon energy in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (17) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted for Block 4 – the bungalows as part of the application has been wholly implemented in strict accordance with the approved details as shown on drawing No. D57 dated 10<sup>th</sup> June 2014. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (18) the development hereby permitted shall be built to the Code for Sustainable Homes Level 4. **Reason:** Since the application has been approved without 10% renewable energy production on the basis that the development is built to Code for Sustainable Homes Level 4, in accordance with the requirements of Local Plan Policy DP13; and
- (19) 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

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

(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.

### **63. W14/0978 – 31 Oakwood Grove, Warwick**

The Committee considered an application from Dr A Broome for the proposed erection of a two storey side extension, a two storey rear extension with balcony, two single storey side extensions, a single storey rear extension, a car port to front elevation and a new driveway. This was a resubmitted scheme.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Sustainable Buildings (Supplementary Planning Document - December 2008)

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

It was the officer's opinion that the proposals were of an acceptable design and scale which would not impact adversely on the character or appearance of the street scene and would not substantially impact on the amenity of neighbouring properties which would support a reason for refusal.

A motion to refuse the application on the grounds of overdevelopment was proposed and seconded, but not supported.

Following consideration of the report and presentation the Committee

**Resolved** that W14/0978 be **granted** subject to the following conditions:

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

- (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 370 - 10, 370 - 11 and 370 - 12, and specification contained therein, submitted on 24th June 2014. **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) the development hereby permitted shall not be first occupied unless and until the renewable energy 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. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

### **64. W14/0926 – 155 Clinton Lane, Kenilworth**

The Committee considered an application from Mr Boscott for the erection of a two storey and single storey side and rear extension after demolition of existing detached garage.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

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

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)  
Vehicle Parking Standards (Supplementary Planning Document)  
The 45 Degree Guideline (Supplementary Planning Guidance)  
Distance Separation (Supplementary Planning Guidance)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)

An addendum circulated at the meeting set out an objection from a neighbour which had been received following publication of the agenda.

It was the officer's opinion that the proposed extensions were acceptable in terms of their character and appearance within the street scene and would not significantly impact on the amenities of surrounding neighbours to warrant a reason for refusal.

Following consideration of the report, presentation and addendum the Committee

**Resolved** that W14/0926 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 drawings 010, 002, 003, 004, 006, 007, 008, 009 and amended drawing 005A, and specification contained therein, submitted on 18th June, 2014 and 5th July, 2014.  
**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

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

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;

- (4) prior to the occupation of the development hereby permitted, the first floor side facing window in the north and south elevations 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 window shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and
- (5) the development hereby permitted shall not be first occupied unless and until the renewable energy 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. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

### **65. W14/0845 – Multilines Unit 1, Fitness centre conversion, Common Lane, Kenilworth**

This item was withdrawn from the agenda.

(The Chairman adjourned the meeting at 10.53 pm)

Resumption of the adjourned Planning Committee meeting held on Wednesday 20 August 2014 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Rhead (Chairman); Councillors Boad, Mrs Bromley, Mrs Bunker, De-Lara-Bond, Dean, Doody, MacKay, Weber and Williams.



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

### **66. Declarations of Interest**

Minute number 68 – W14/0958 & W14/0959LB – Abbotsford School, Bridge Street, Kenilworth.

Councillor Mackay declared a prejudicial interest because the last time the application was considered he believed there had been a lack of consultation and he had requested that the application be deferred. The process of trying to get what he wanted was heard and resulted in a complaint that he was pre determined. This item was also a late item at that last meeting, which he had objected to. He explained that for this reason he would leave the meeting for this item.

Minute number 71 – W14/0982 – 66 Mercia Way Warwick

Councillor Mrs Bromley declared an interest as Ward councillor, and would be speaking on this matter and not participating as a member of the Committee.

### **67. Site Visits**

Although no site visits were visited prior to this meeting by the Committee, they had previously visited to the Abbotsford School, Bridge Street, Kenilworth.

### **68. W14/0958 – Abbotsford School, Bridge Street, Kenilworth**

The Committee considered an application, from Newbury Land (Developments) Ltd , for the demolition of part of rear wing of existing main building; change of use of existing two storey building to a single dwelling house (Use Class C3); change of use of existing rear outbuilding to 2no. dwelling houses (Use Class C3) and the erection of 5 no. dwelling houses (Use Class C3) and associated landscaping.

The application was presented to Committee because of an objection from Kenilworth Town Council and a request from Councillor Mrs Blacklock.

The officer considered the following policies and guidance to be relevant:

The National Planning Policy Framework

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)

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

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

H1: Directing New Housing

BE1: Layout and Design

BE3: Amenity

TR1: Access and Choice

TR4: Parking

HS8: Protecting Community Facilities

HE1: Protection of Statutory Heritage Assets

HE2: Protection of Conservation Areas

HE6: Archeology

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

Open Space (Supplementary Planning Document - June 2009)

Vehicle Parking Standards (Supplementary Planning Document)

Additional observations about the application from Councillors Mrs Blacklock, Kenilworth Town Council, English Heritage and County Highways were circulated in an addendum at the meeting.

It was the officers opinion that the Grade II\* Listed Abbotsford House had been vacant for a number of years. Its proposed conversion back to a single dwelling was in accordance with English Heritage's recommendations because there were original cupboards within the property and a central staircase. Any application to divide the property up would ruin the integrity of the Listed Building and the historic features. The proposal would bring the vacant building back into viable use and was considered acceptable in principle. There had been a number of unsympathetic utilitarian extensions added over the years by the school, the demolition of these modern additions to the rear would benefit the Grade II\* Listed house. The design and density of the proposed new dwellings had been subject to extensive negotiations between the applicant, officers and English Heritage and had been revised following the recent refusal of planning permission. The design of the buildings had been led by English Heritage which wished to see a modern style to the new dwellings. This was a site that had many constraints and collaboratively everyone had worked together to bring the site back into use.

Officers felt that the proposals did not have an impact on the amenity levels of adjacent residents, the buildings were sited in accordance with the adopted separation SPD, the garden area for the main house had been increased and the trees were to be retained. The proposal represented a joint approach to achieving a high quality, sensitive and comprehensive redevelopment scheme which saw the reinstatement of the main house back to a single dwelling. The proposals were considered wholly in accordance with the adopted Local Plan 1996 - 2011, the Draft Local Plan 2014- 2029 and the NPPF and therefore recommended for approval.

A number of people addressed the Committee: Councillor Ryan outlined the objection from the Town Council, Mr Watson spoke against the application,

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

Mr Pugh spoke in favour of the application on behalf of the applicant and Councillor Coker spoke against the application as Ward Councillor.

The application was debated by Members and it was duly proposed and seconded that the application should be refused in line with that of the previous application. On being put to the vote the proposal was lost.

It was then proposed and duly second that the application be granted subject to the addition of conditions that (1) retained the boundary wall at full height; and (2) ensured that the works on the listed building were substantially complete before the works on the third dwelling were complete. In addition the Committee requested that Officers had discussions with the Highway Authority and the applicant seeking the introduction of cross hatching on the highway outside the site entrance for traffic. On being put to the vote it was

### **Resolved** that

- (a) application W14/0958 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 drawings 0928-A1-016-B & 928-A3-009 dated 19th June 2014; 928-0500-C & 928-0501-B dated 25th July 2014, 928-0502-B dated 24th June 2014; 0928-A1-050-C dated 19th June 2014, and specification contained therein  
**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 (including demolition) shall commence unless and until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys - Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the local planning authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (4) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall proceed only in strict accordance with the recommendations of a noise assessment. The noise assessment shall include results for LAeq, LA10, and LA90 noise descriptors, together with a calculated arithmetical average for the LAeq. The assessment will demonstrate by calculation that internal noise levels for the proposed residential property meet the 'Good' criteria set out in British Standard 8233 'Sound Insulation and Noise Reduction for Buildings' together with any mitigation measures that are required to achieve this. The report shall also demonstrate that outdoor garden and leisure areas associated with this development meet the 55dB limit as required by the World Health Organisation (WHO). Prior to the first occupation of the building any necessary mitigation measures shall have been implemented in full accordance with the recommendations of the noise assessment and thereafter shall not be removed or altered in any way without the prior written approval of the local planning authority. **Reason:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with

## PLANNING COMMITTEE MINUTES (Continued)

Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (6) development hereby approved shall not be commenced unless and until details of the fresh air supply to the habitable rooms of the dwelling has been submitted and approved by the Local Planning Authority. **Reason:** To ensure that the development hereby permitted can achieve satisfactory levels of amenity of the occupiers of the properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (7) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (8) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Warwick District Council

## PLANNING COMMITTEE MINUTES (Continued)

Kenilworth Conservation Area. 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 protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (9) 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, 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

## PLANNING COMMITTEE MINUTES (Continued)

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

- (10) 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;

- (11) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (12) the development shall not be occupied until the access including associated white lining works has been laid out in accordance with drawing No. 0928-A1-050-B. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (13) the gradient of the access for vehicles to the site shall not be steeper than 1 in 12 for a distance of 7.5 metres into the site, as measured from the near edge of the public highway. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (14) the access to the site shall not be widened in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (15) the access to the site for vehicles shall not be used unless the public highway footway crossing as been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (16) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43.0 metres to the near edge of the public highway carriageway in an easterly direction and to the centreline of the carriageway in a westerly direction. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or



## PLANNING COMMITTEE MINUTES (Continued)

likely to exceed at maturity, a height of 0.6 metres above the level of the public highway. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (17) construction traffic shall not be permitted to enter or exit the site before 9am and after 4.30pm, Monday - Friday. **Reason:** Due to traffic levels in this area of the network at peak times and the conflict that would occur between normal users of the public highway and large slower moving vehicles entering and existing the site and in the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (18) the dwellings hereby permitted shall be designed and constructed so that internal noise levels within bedrooms at night shall not exceed the internal target noise level of 30dbLaeq, 8hr; internal noise levels within living rooms and bedrooms by day shall not exceed 35dB LAeq, 16hr; maximum internal noise level in bedrooms and living rooms shall not exceed 45db LA MAX fast as required by the World Health Organisation (WHO). Prior to the first occupation of the building any necessary mitigation measures shall have been implemented in full accordance with the recommendations of the noise assessment and thereafter shall not be removed or altered in any way without the prior written approval of the local planning authority. **Reason:** To ensure that the development hereby permitted can achieve satisfactory noise levels for the amenity of the occupiers of the properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (19) all window and door frames within the Abbotsford House shall be constructed in timber and shall be painted and not stained. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011 / To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy

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

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

(20) the development retains the boundary wall at full height; and

(21) the works on the listed building were substantially complete before the works on the third dwelling are complete.

(b) Officers have discussions with the Highway Authority and the applicant seeking the introduction of cross hatching on the highway outside the site entrance for traffic.

### **69. W14/0959LB – Abbotsford School, Bridge Street, Kenilworth**

The Committee considered an application, from Newbury Land (Development) Ltd, for the demolition of part of rear wing of existing main building; change of use of existing two storey building to a single dwelling house (Use Class C3); change of use of existing rear outbuilding to two no. dwelling houses (Use Class C3) and the erection of six no. dwelling houses (Use Class C3) and associated landscaping.

The application was presented to Committee because of an objection from Kenilworth Town Council and a request from Councillor Blacklock.

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

HE1: Protection of Statutory Heritage Assets

HE2: Protection of Conservation Areas

Additional observations about the application from Councillors Mrs Blacklock, Kenilworth Town Council, English Heritage and County Highways were circulated in an addendum at the meeting.

Abbotsford House had been left vacant for a number of years, this was a Grade II\* Listed Building whose retention was required. The proposed conversion of the former Abbotsford School back to a single dwelling was in accordance with English Heritage's recommendations as there were original cupboards within the property and a central staircase. Any application to divide the property up would ruin the integrity of the Listed Building and the historic features. The proposal would bring the vacant building back into viable use and was considered acceptable in principle. There had been a number of unsympathetic utilitarian extensions added over the years by the school, the demolition of these modern additions to the rear would

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

benefit the Grade II\* Listed house. The design and density of the proposed new dwellings had been subject to extensive negotiations between the applicant, officers and English Heritage. The design of the buildings had been led by English Heritage which wished to see a modern style to the new dwellings. This was a site that had many constraints and collaboratively everyone has worked together to bring the site back into use. It was therefore recommended for approval by officers because the proposals were considered wholly in accordance with the adopted Local Plan 1996 - 2011, the Draft Local Plan 2014- 2029 and the NPPF.

This application was considered at the same time as W14/0958 and therefore the speakers and voting were replicated as per minute number 68. However in addition to the conditions outlined in the report the Listed Building application was proposed with a single additional condition to retain the boundary wall at full height.

**Resolved** that W14/0959LB, be **granted**, subject to the following conditions:

- (1) the works hereby permitted shall begin not later than three years from the date of this consent. **Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 0928-A1-016-B & 928-A3-009 dated 19th June 2014; 928-0500-C & 928-0501-B dated 25th July 2014, 928-0502-B dated 24th June 2014; 0928-A1-050-C dated 19th June 2014, and specification contained therein **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 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, 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

## PLANNING COMMITTEE MINUTES (Continued)

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 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;

- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.  
**Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (5) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may

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

extend within the site and which are within the Warwick District Council Kenilworth Conservation Area. 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 protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (6) all window and door frames within the Abbotsford House shall be constructed in timber and shall be painted and not stained.  
**Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011 / 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; and
- (7) the development retains the boundary wall at full height.

(Councillor MacKay returned to the meeting at the conclusion of this item)

### **70. W14/0969 – 16 Greville Smith Avenue, Whitnash**

The Committee considered an application, from Mrs and Mr Hopkins, for the conversion of an existing detached garage building to a detached two bedroom dwelling and single storey extension.

This application was being presented to Committee because of an objection from Whitnash Town Council.

The officer considered the following policies to be relevant:

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

National Planning Policy Framework

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Open Space (Supplementary Planning Document - June 2009)

Vehicle Parking Standards (Supplementary Planning Document)

In the opinion of officers, the proposed development was of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings and did not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

Councillor Mrs Falp spoke on behalf of Whitnash Town Council outlining its objection to the application and Mrs Hopkins spoke as the applicant in favour of the application.

Having considered the application, the officer's report and representations made to the Committee it was proposed duly seconded and:

**Resolved** that application W14/0969, 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

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

details shown on the site location plan and approved drawing(s) PD13061-PB Rev A; PD13061-03 Rev A and PD13061-02, and specification contained therein, submitted on 26 June 2014. **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 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick 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

## PLANNING COMMITTEE MINUTES (Continued)

accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

- (5) the development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. **Reason:** To ensure that the development is provided to a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution;
- (6) 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;
- (7) the development shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of not less than 4.0 metres or greater than 5.0 metres, as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011;
- (8) the access to the site shall not be widened in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **Reason:** In the interests of highway safety in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011; and
- (9) the access to the site for vehicles shall not be used unless the public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011.



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

### **71. W14/0982 – 66 Mercia Way, Warwick**

The Committee considered an application from Mr Marshall, for the construction of a new pitched roofed double garage to the existing garden area.

This application was presented to Committee because of the number of objections received and the receipt of an objection from Warwick Town Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework

DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

In the opinion of officers, the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents; materially impact on the character of the surrounding area or upon flood risk. The proposal was therefore considered to comply with relevant existing and emerging Local Plan policies.

In addition to the report, further observations on the application from Warwick Town Council and Warwickshire County Highways, were circulated in an addendum at the meeting

Mr Kenton addressed the meeting objecting to the application, as did Ward Councillor, Councillor Mrs Bromley. Who after submitting her views as Ward Councillor took no further part in the discussion for this item.

It was proposed and duly seconded that the application should be refused because it was against community protection and there was far too much concern regarding the flood risk to the emergency exit routes and safe access to the site by emergency vehicles in times of flooding. On being put to the vote the proposal was lost.

Having considered the application, the officer's report and representations to the meeting, it was proposed and duly seconded that the application should be granted subject to an additional condition for the removal of permitted development rights. On being put to the vote it was

**Resolved** that application W14/0982, be **granted**, subject to the following conditions:

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

- (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 4360/09B, and specification contained therein, submitted on 27th June 2014. **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) the removal of permitted development rights.

(Councillor MacKay left the meeting during this item)

### **72. W14/0915 – Hybrid Arts, Riverside, Adelaide Road, Royal Leamington Spa**

The Committee considered a report, from Hybrid Arts, for the change of use of the former Sea Cadets Club House and former Boat House to mixed use (Sui Generis) comprising Education (Use Class D1) and Assembly & Leisure (Use Class D2) and installation of additional external doors (Retrospective Application).

This application was presented to Planning Committee because of the number of objections and because of an objection from Royal Leamington Spa Town Council

The officer considered the following policies to be relevant:

DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)  
National Planning Policy Framework  
SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

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

HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

It was considered that subject to conditions restricting hours of operation for live music and the incorporation of an appropriate acoustic scheme, the proposal is acceptable and would accord with the aforementioned policies.

In addition to the report further objections had been received to the application and these were detailed in the addendum. In addition to this the applicant had proposed minor revisions to the application, which were also detailed in the addendum which was circulated at the meeting.

At the meeting officers requested that the determination of the application be delegated to them once final comments from the Environment Agency had been received. This was because the Environment Agency was assessing the potential flood risk and suitability of the site. Therefore it was possible that the application may have to be refused because of this.

Mr Boyton spoke in objection to the application, as did Ward Councillor Gifford. Mr Burley spoke in favour of the application on behalf of the applicant.

There was considerable debate on the application by the Committee because of various concerns for the protection of residents from public nuisance from and how this application interrelated with any premises licence held under the Licensing Act. The Council's Solicitor advised the Committee that the Licensing Act and planning regime were separate entities and should be treated as such when determining an application.

A number of variations to the application had been suggested by the applicant both prior to the meeting and at the meeting to help reduce impact on its neighbours and the objectors had proposed further suggested amendments.

For these reasons the Chairman proposed to delegate the decision to Officers to approve finalised reasonable and appropriate conditions in consultation between the Residents Association, the Chairman and the applicant. If there was no reasonable agreement then the application should return to Committee for consideration. On being put to the vote it was

**Resolved** that application W14/0915, be delegated to Officers to approve finalised reasonable and appropriate conditions in consultation with the Residents Association, Chairman of the Committee and the applicant. If there is no reasonable agreement the application should return to Committee for determination.

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

### **73. W14/1084 – Milverton Service Station, 130 Rugby Road, Royal Leamington Spa**

The Committee considered an application from Rontec Watford Ltd, for the removal of condition 5 (opening hours) of planning permission no. W/96/0559 so as to allow 24 hour opening for fuel and ancillary sales only.

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

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

Subject to a twelve month temporary restriction and limitations on the use of the premises overnight, it was considered that the proposals would have an acceptable impact on the living conditions of nearby dwellings. Therefore it was recommended that planning permission was granted.

The addendum circulated at the meeting detailed a further observation on the application from Royal Leamington Spa Town Council, six further objections from the public, and a further comment from the applicant.

In addition officers explained at the meeting that condition (2) set out in the report should be revised for 24 hour opening for a 12 month temporary period to allow sales of any goods at the shop. This was because stopping the sale of other goods would be difficult to enforce by the applicant.

Mr Worrall spoke in objection to the application as did, Ward Councillor, Councillor Gifford. Mr Ainsworth spoke in favour of the application on behalf of the applicant.

Having considered the officers report and representations to the meeting it was proposed, duly seconded that the application be refused because it was not in accordance with DP2, by virtue of impact on the amenity of local residents; and

**Resolved** that application W14/1084, be **refused**, because the application is not in accordance with DP2, by virtue of impact on the amenity of local residents.

### **74. W14/0923 – The Paddocks, Ashow Road, Ashow**

The report on this application was withdrawn.

(The meeting ended at 9.01pm)