

Planning Committee

Minutes of the meeting held on Tuesday 25 April 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, Cain, Mrs Hill, Margrave, Morris, Naimo Mrs Stevens and Weed.

Also Present: Senior Committee Services Officer – Miss Carnall; Legal Advisor – Mrs Gutteridge; Development Manager – Mr Fisher; Head of Development Services – Mrs Darke; Planning Officer – Mr Sahota; Mr Simm – WCC Highways.

193. Apologies and Substitutes

Councillor Naimo substituted for Councillor Mrs Knight.

194. Declarations of Interest

Minute Number 204 – W/16/0217 – Land adjacent South View, Forrest Road, Kenilworth

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

195. Site Visits

To assist with decision making Councillors Boad, Mrs Bunker, Cooke, Mrs Falp, Mrs Hill, Morris, Naimo, Mrs Stevens and Weed had visited the following application sites on Saturday 23 April 2016:

W/16/0239 – Land to the north and south of the A45 (between Festival and Tollbar junctions) and land at the A45/Festival Roundabout, the A46/Tollbar Roundabout and at the junctions of the A444 with the A4114 /Whitley Roundabout;

W/14/0944 – Barn 1, Plestowes House, Hareway Lane, Barford;

W/14/0945 – Long Barn, Plestowes House, Hareway Lane, Barford;

W/16/0196 – Land to the south of Offchurch Lane, Radford Semele; and

W/15/1761 – Land on the west side of Southam Road, Radford Semele.

196. Minutes

The minutes of the meeting held on 29 March 2016 had been circulated late and would be considered at the next meeting on Tuesday 26 April 2016.

197. W/16/0196 – Land to the South of Offchurch Lane, Radford Semele

The Committee considered an outline application from Sharba Homes Limited and Henry Marriott for land south of Offchurch Lane, Radford Semele with means of vehicular access from Southam Road, Radford Semele, pedestrian/cycle/emergency access from Offchurch Lane for consideration, all other matters (layout, appearance, scale and landscaping) reserved for subsequent approval, for the erection of up to 150 dwellings, of which 40% would be affordable, landscaping including

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change of use, earthworks to facilitate surface water drainage and all other ancillary infrastructure and enabling works.

The application was presented to Committee because of the number of objections received, including one from Radford Semele Parish Council.

The officer was of the 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. Officers felt 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. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, and enhancement to existing open spaces. The site was in a sustainable location adjacent to the village 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.

In addition, it had been concluded that any issues of concern 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 some impact on the surrounding landscape in terms of the loss of openness and 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 impacts on the landscape or the 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.

Officers had therefore concluded that planning permission should be granted.

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An addendum circulated at the meeting provided further clarification relating to issues raised by objectors with comments about highways, density of the development, emergency access, surface water flooding, agricultural land, loss of Greenfield land, the impact on wildlife and the impact on local services.

The addendum also advised that Councillor Doody had distributed information to the Committee listing the developments outside of the District which he considered had an impact on Radford Semele, along with comments from the Head Teacher at Radford Semele Primary School concerning capacity.

The following people addressed the Committee:

- Councillor Chater, Radford Semele Parish Council, objecting;
- Mr Jones, objecting;
- Ms Ventham, supporting;
- Councillor Doody, Ward Councillor, objecting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Weed that the application be granted as per the officers' recommendation.

The Committee therefore

Resolved that W/16/0196 be **granted** subject to the conditions listed below and subject to the completion of a satisfactory Section 106 Agreement to secure the contributions listed. Should a satisfactory Section 106 Agreement not have been completed by 3rd May 2016, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement:

- (1) details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended);
- (2) application for approval of the reserved matters shall be made to the local planning

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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 access hereby permitted shall be constructed strictly in accordance with the details shown on the site location plan and approved drawing(s) 5824/LP 001 and specification contained therein, submitted on 02/02/16. **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) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (6) 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

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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;

- (7) the development hereby permitted shall be carried out in strict accordance with 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;
- (8) 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;
- (9) 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 shall be submitted to and approved in writing by the LPA.
 - 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. A report detailing the results of this fieldwork shall be submitted to the planning authority.
 - c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological

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evaluation.

The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document. **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;

- (10) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (in accordance with the British Standard on Biodiversity BS 42020:2013) has been submitted to and approved in writing by the District Planning Authority. The Construction and Environmental Management Plan should include details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan 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 Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (11) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in
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full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF;

(12) 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 BS5837:2012, Trees in Relation to design, demolition and 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 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 in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(13) no development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. The scheme shall provide for the lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

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

The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** To ensure appropriate measures are taken in relation to protected species in accordance with Policy DAP3 of the

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Warwick district local Plan 1996-2011 and the aims and objectives of the NPPF;

- (14) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- 1) Infiltration testing undertaken in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is a viable means of managing the surface water runoff from the site.
 - 2) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697, C687 and the National SuDS Standards.
 - 3) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.
 - 4) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in *Science Report SC030219 Rainfall Management for Developments*.
 - 5) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - 6) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable

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drainage structures in accordance with Policies DP3 & DP11 of the Warwick District Local Plan 1996-2011;

- (15) 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: a construction phasing plan; 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; a HGV routing plan; 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;
- (16) no dwelling shall be occupied until the detailed drawings for the layout of the emergency access has been submitted and approved in writing by the Local Planning Authority. Not more than 100 dwellings are to be occupied until the emergency access has been implemented in strict accordance with the approved details. Thereafter no motorised vehicle access for the development will be obtained from Offchurch Lane, apart from emergency vehicles accessing the development when required to deal with an incident. **Reason:** In the interests of highway safety in accordance with Policy DP6 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

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development from excessive road traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road traffic noise shall be submitted to and approved in writing by the local planning authority. The location, internal layout, and orientation of residential dwellings should be designed to situate habitable rooms away from road traffic noise and building structures should be used to provide quiet garden areas where possible. If acceptable noise levels still cannot be achieved by optimising the design of the development then the use of acoustic glazing and acoustic ventilation will be considered as a viable alternative. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To ensure that future occupiers do not experience any unacceptable disturbance from road traffic noise in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (18) 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
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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 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;

(19) 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;

(20) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone

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(whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (21) the building heights of dwelling house submitted under the reserved matters stage shall not exceed two-storey. **Reason:** To secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (22) 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;
- (23) 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

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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; and

- (24) 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.

198. W/15/1761 – Land on the West Side of Southam Road, Radford Semele

The Committee considered an application from Rosconn Group for a residential development of up to 25 dwellings with means of access from Southam Road to be determined, all other matters (internal access, appearance, landscaping, layout and scale) reserved for subsequent approval.

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

The officer was of the 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

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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. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, and enhancement to existing open spaces. The site was in a sustainable location adjacent to the village where residents could access a range of services. Officers therefore concluded that the development represented sustainable development by satisfying the three dimensions identified in the NPPF.

It had also 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 some impact on the surrounding landscape in terms of the loss of openness and 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 impacts on the landscape in terms of the area of restraint and the 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.

Officers had therefore concluded that planning permission should be granted.

An addendum distributed at the meeting provided further details from the Education Team at Warwickshire County Council relating to the contributions towards secondary education and advised that Councillor Doody had submitted information to the Committee, listing the developments outside of the District which he considered would impact on Radford Semele.

The following people addressed the Committee:

- Councillor Chater, Radford Semele Parish Council, objecting;
- Miss Gibson, representing residents of Radford Semele, objecting;
- Mr Carr, supporting; and
- Councillor Doody, Ward Councillor, objecting.

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

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The Committee therefore

Resolved that W/15/1761 be **granted** subject to the following conditions:

- (1) details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended);
- (2) application for approval of the reserved matters shall be made to the local planning authority not later than three years from 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 access hereby permitted shall be constructed strictly in accordance with the details shown on the site location plan and approved drawing(s) DWG-01, DWG-02, and specification contained therein, submitted on 23/10/15. **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) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be

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reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (6) 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;

- (7) the development hereby permitted shall be carried out in strict accordance with 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;

- (8) 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;

- (9) prior to the commencement of development a scheme for the offsetting of biodiversity

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impacts at the site shall be submitted to the Local Planning Authority. The offsetting scheme shall include:

1. The identification of receptor site(s);
2. Details of the offset requirements of the development in accordance with the recognised offsetting metrics standard;
3. The provision of contractual terms to secure the delivery of the offsetting measures; and
4. A management and monitoring plan (to include for the provision and maintenance of such offsetting measures for not less than 25 years from the date of this permission). The development shall not commence until the Local Planning Authority has approved the scheme in writing. The applicant shall secure and implement such offsetting measures in accordance with the requirements of the approved scheme. **Reason:** To ensure no net loss of biodiversity in accordance with NPPF paragraph 118;

- (10) the development hereby permitted shall not commence until a Construction and Environmental Management Plan (in accordance with the British Standard on Biodiversity BS 42020:2013) has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation and monitoring, as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan 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 Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (11) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan
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should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; woodland creation/enhancement, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure a net biodiversity gain in accordance with NPPF;

- (12) 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 BS5837:2012, Trees in Relation to design, demolition and 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 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 in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (13) no development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
- a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
 - b. the brightness of lights should be as low as legally possible;
 - c. lighting should be timed to provide some

PLANNING COMMITTEE MINUTES (Continued)

dark periods;

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

The agreed scheme to be fully implemented before/during development of the site as appropriate. **Reason:** To ensure appropriate measures are taken in relation to protected species in accordance with Policy DAP3 of the Warwick district local Plan 1996-2011 and the aims and objectives of the NPPF;

- (14) no development shall take place until:
- a) A Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work shall be submitted to and approved in writing by the LPA.
 - 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. A report detailing the results of this fieldwork shall be submitted to the planning authority.
 - c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) shall be submitted to and approved in writing by the LPA. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation. The development, and any archaeological fieldwork post-excavation analysis, publication of results and archive deposition detailed in the Mitigation Strategy document, shall be undertaken in accordance with the approved Mitigation Strategy document. **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;
- (15) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation
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with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- 1) Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is a viable means of managing the surface water runoff from the site.

- 2) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697, C687 and the National SuDS Standards.

- 3) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.

- 4) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in *Science Report SC030219 Rainfall Management for Developments*.

- 5) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- 6) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies DP3 & DP11 of the Warwick District Local Plan 1996-2011;

- (16) 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
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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; 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;

- (17) the development shall not be occupied unless and until turning areas have been provided and 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 54 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. The gradient of the access for vehicles to the site shall not be steeper than 1 in 12 for a distance of at least 7.5 metres, as measured from the near edge of the public highway carriageway and the access shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **Reason:** To ensure that a satisfactory access and turning facilities are provided and 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;

- (18) 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

PLANNING COMMITTEE MINUTES (Continued)

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 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

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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;

- (19) 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;
- (20) 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;
- (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

PLANNING COMMITTEE MINUTES (Continued)

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 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) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and
- (24) the building heights of dwelling house submitted under the reserved matters stage shall not exceed two-storey. **Reason:** To secure a satisfactory form of development in

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accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

199. W/16/0412 – The Forge, Hatton Green, Hatton

The Committee considered an outline application from Mrs Lyons, Ms Booth and Ms Rudd for the erection of up to eight dwellings with all matters reserved except access after demolition of the existing buildings on site.

The application was presented to Committee because Hatton Parish Council supported the application and officers were recommending refusal.

The officer was of the opinion that because the application was in outline with all matters reserved, the only consideration for the application was whether the erection of eight houses was acceptable in principle. The site comprised part of an existing commercial site and part residential garden. Whilst the application site was located within the village envelope and included a previously developed site, the extent and nature of the proposal was such that it could not be reasonably considered to comprise limited infilling or solely relate to the redevelopment of an existing brownfield site.

Whilst the benefits of the scheme in providing additional housing within the District carried weight, it was not considered that such benefits comprised very special circumstances sufficient to outweigh the objection in principle to the proposals by way of inappropriateness within the Green Belt.

An addendum distributed at the meeting provided information relating to the 2014 Housing Needs Survey and the loss of employment land. In addition, it advised that a further objection had been received on the grounds of the cost of cleaning up the site.

The following people addressed the Committee:

- Councillor Dr Le Tocq, Hatton Parish Council, objecting; and
- Mrs Nicholson, supporting.

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

The Committee therefore

Resolved that W/16/0412 be **refused** for the following Reason:

- (1) the proposed development by reason of its location, nature and extent comprises inappropriate development within the Green Belt in respect of which no very special circumstances have been demonstrated sufficient to outweigh that objection in principle. Further it has not been demonstrated that the development would not impact upon

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any ecological interest that may exist at the site to an unacceptable level or that the required level of affordable housing will be delivered as part of the development.

The proposed development would therefore be contrary to the National Planning Policy Framework and to the following Local Plan policies:-

The Warwick District Local Plan 1996 - 2011

- Policy DAP 3: Protecting Nature Conservation and Geology
- Policy RAP4: Providing Rural Affordable Housing

The Emerging Warwick District Local Plan 2011 - 2029

- Policy H2: Affordable Housing
- Policy NE3: Biodiversity
- Policy DS19: Green Belt

200. W/16/0379 – Elm Farm, Long Itchington Road, Hunningham

The Committee considered an application from Mr and Mrs Wardle for the conversion and extension of two agricultural buildings and a former water tower to create one dwelling house and one holiday cottage, plus erection of a car port after the demolition of a Dutch Barn and existing outbuildings.

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

The officer was of the opinion that the application site would not provide a suitable site for housing having regard to the principles of sustainable development, Green Belt and character and appearance. These adverse impacts would significantly and demonstrably outweigh the limited benefits that one dwelling and one holiday let would provide for the acknowledged local lack of housing land supply. The proposal was therefore contrary to the policies stated in the officers' report and officers recommended that the application be refused.

The following people addressed the Committee:

Mrs Nicholson, supporting; and
Councillor Doody, on behalf of Hunningham Parish Council, supporting.

It was proposed and duly seconded that the application be refused as per the officers' recommendation.

On being put to the vote, the proposal was lost.

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Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Cain and seconded by Councillor Morris that the application be granted, contrary to the officers' recommendation. Members felt that the reasons it should be granted were:

The very special circumstances that outweighed the inappropriate development in this case were that the development proposed represented the optimum and most viable use of the site and would substantially improve and enhance the appearance of the site taking into account the specific layout and the existing buildings within it and in particular the unusual structure of the water tower.

The Committee therefore

Resolved that W/16/0379 be **granted** contrary to the officers' recommendation subject to the standard conditions to be agreed with the officers.

201. W/16/0280 – Weston House, Rugby Road, Weston under Wetherley

The Committee considered an application from Dickinson, Bains and Thompson for the erection of three, two storey detached dwellings following demolition of the existing public house.

The application was presented to Committee because Weston under Wetherley Parish Council supported the application and officers were recommending refusal.

The officer was of the opinion that the proposed development constituted inappropriate development within the Green Belt which was harmful by definition and by reason of harm to openness, due to the bulk and massing and spread of built development and resultant urban encroachment. No very special circumstances had been demonstrated to exist sufficient to outweigh the harm identified and the proposed development was therefore contrary to the National Planning Policy Framework. Officers therefore recommended that the application be refused.

An addendum distributed at the meeting advised that two further objections had been received and sent directly to the Planning Committee, regarding the Parish Council's support of the application.

The following people addressed the Committee:

- Councillor Haine, Weston under Wetherley Parish Council, supporting; and
- Mr Parish, Supporter.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application be refused as per the officer's recommendation.

The Committee therefore

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Resolved that W/16/0280 be **refused** for the following reasons:

- (1) the proposed development by reason of its scale, bulk and mass constitutes inappropriate development in the Green Belt, which is harmful by definition and by reason of harm to openness. The harm to openness is exacerbated as a result of the proposed development being spread across the site which is largely open at present. No very special circumstances have been demonstrated to exist sufficient to outweigh the harm identified.

The proposed development is therefore contrary to the National Planning Policy Framework; and

- (2) the proposed development would be contrary to Policies SC11 of the Warwick District Local Plan 1996-2011, in that no mechanism has been provided to secure affordable housing contributions and therefore infrastructure needs generated by the development have not been satisfactorily secured.

202. W/14/0944 – Barn 1, Plestowes House, Hareway Lane, Barford

The Committee considered an application from Mr Murdoch for the change of use from office (Use Class B1) to residential dwelling with minor alterations including erection of previously permitted garaging to form additional living accommodation, parking spaces and domestic storage space.

The application was presented to Committee because officers considered it to be appropriate in the circumstances of the case.

The officer was of the opinion that the development was acceptable in principle and did not adversely affect the amenity of nearby residents or highway safety. The scheme, subject to conditions, was considered to achieve an appropriate level of amenity to the future occupiers of the building and the proposal was therefore considered to comply with the policies listed.

An addendum distributed at the meeting advised that an adjoining objector had submitted further information relating to air quality and noise.

The following people addressed the Committee:

- Mr Smith, objecting; and
- Mr Greenwood, supporting.

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

The Committee therefore

Resolved that W/14/0944 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) ra152/04A, ra152/05A, 413/3A, and specification contained therein, submitted on 31/03/16. **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) prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority providing full details and specification of the acoustic fencing, the location of which is shown on the approved plans. The approved scheme shall be implemented in full prior to first occupation of the dwelling house hereby approved and retained in perpetuity thereafter. **Reason:** To ensure that an unacceptable disturbance is not created to the detriment of the amenities of the future occupiers of the property in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning

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Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (5) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, 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 dwelling house 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;
- (6) should the office building identified as Barn 2

PLANNING COMMITTEE MINUTES (Continued)

on the approved layout plan "413/3 rev A" be removed then prior to its removal details of an alternative scheme to mitigate the effects of noise nuisance to occupants of Barn 1 shall be submitted to and approved in writing by the Local Planning Authority along with timescales for its implementation. The approved scheme shall be implemented in full and in accordance with the approved timescales. **Reason:** Barn 2 forms a noise screen to Barn 1 and without alternative noise screen solution there would likely be an adverse impact to the detriment of the amenities of the future occupiers of the property contrary to Policy DP2 of the Warwick District Local Plan 1996-2011;

- (7) all external facing materials for alterations to facilitate the change of use 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;
- (8) any new or replacement window and door frames shall be constructed in timber and shall be colour coated to match the existing. New roof lights shall match the existing. **Reason:** To ensure an appropriate standard of design and appearance for the converted (former) agricultural building and to satisfy Policy RAP7 of the Warwick District Local Plan 1996-2011;
- (9) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwelling house hereby permitted without the prior written approval of the local planning authority. **Reason:** To ensure that the openness of the rural area and the scale, character and appearance of the dwelling house is not altered by further extensions, in accordance with Policy RAP2 of the Warwick District Local Plan 1996-2011; and
- (10) the development 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

PLANNING COMMITTEE MINUTES (Continued)

be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

203. W/14/0945 – Long Barn, Plestowes House, Hareway Lane, Barford

The Committee considered an application from Mr Murdoch for the change of use from offices (Use Class B1) to residential dwelling with minor alterations, plus the change of use of two existing garage spaces to use for domestic storage.

The application was presented to Committee because officers considered it to be appropriate in the circumstances of the case.

The officer was of the opinion that the development would have an adverse impact upon the amenities of the future occupiers of the proposed residential property by reason of noise and odour from the adjoining working farm contrary to Policies DP2 and RAP7 of the Warwick District Local Plan 1996-2011. It was therefore recommended that planning permission be refused.

The following people addressed the Committee:

- Mr Smith, objecting; and
- Mr Greenwood, supporting.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Ashford that the application be refused as per the officer's recommendation.

The Committee therefore

Resolved that W/14/0945 be **refused** for the following reason:

Policy DP2 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Policy RAP7 seeks to ensure that the re-use of rural buildings are situated in locations that make their re-use suitable and do not give rise to legitimate planning objections.

The proposed development will be located in close proximity to a working farm and future occupiers of the proposed development are therefore likely to suffer noise and odour issues that cannot be otherwise mitigated by condition.

PLANNING COMMITTEE MINUTES (Continued)

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

204. W/16/0217 – Land adjacent South View, Forrest Road, Kenilworth

The Committee considered an application from Mr Sullivan for the erection of a bungalow.

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

The officer was of the opinion that the amended scheme addressed the reasons for refusal in the previous application in terms of outlook for future occupiers and amenities of occupiers of South View and the character and appearance of the area. The proposal was considered to be acceptable within the street scene and wider Conservation Area such that the requirements of the Local Plan Policies listed were met.

Councillor Illingworth, objecting on behalf of Kenilworth Town Council, addressed the Committee.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that the application be refused contrary to the officer's recommendation.

Members were of the view that this was a cramped and contrived development that did not positively contribute to the character and quality of the environment or enhance the character and appearance of the Conservation Area. In addition, Members had concerns about the long term impact of the development on the trees on the site. The proposal was judged to be contrary to DP1, DP2 and DAP8.

The Committee therefore

Resolved that W/16/0217 be **refused** because of the cramped and contrived nature of the development.

205. W/16/0448 – Units 1 to 3, St Mary's Road, Royal Leamington Spa

The Committee considered an application from Miles of Tiles (Midlands) Ltd for a retrospective change of use of premises from industrial/storage to the storage and distribution of tiles; display of tiles and trade and retail sales counter.

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

The officer was of the opinion that the application was considered to be acceptable and subject to suitable conditions was unlikely to result in detrimental harm to nearby residents or other users of this estate such that

PLANNING COMMITTEE MINUTES (Continued)

would justify a refusal. The application was thereby considered to meet the criteria set out in the Local Plan Policies listed.

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

The Committee therefore

Resolved that W/16/0448 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall relate strictly to the details shown on the site location plan and approved drawing number 5279.03 Rev D and specification contained therein, submitted on 13 April 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (2) the area shown hatched on drawing number 5279.03 Rev D only shall be made accessible to customers and for the avoidance of doubt the remainder of the building shall only be used for storage and distribution purposes in a manner which does not include the display of goods for sale and is not accessible to customers. **Reason:** To allow a retail unit on this industrial estate would conflict with the objectives of Policy SC2 of the Warwick District Local Plan 1996-2011 which seeks to protect employment land and buildings;
- (3) no delivery vehicles (incoming or outgoing) shall enter or leave the site between 17:00pm and 07:30am Monday to Friday, before 08:00am or after 12 noon on Saturdays and there shall be no deliveries to the site (incoming or outgoing) on Sundays or Bank Holidays. **Reason:** In the interests of nearby residents and to comply with the requirements of Policies DP2 and DP9 in the Warwick District Local Plan 1996-2011;
- (4) the premises shall only be open to customers between Monday to Wednesday: 08:00 - 17:30, Thursday 08:00 - 20:00, Friday 08:00 - 17:30, Saturday 09:00-17:00, Bank Holidays 10:00-16:00. They shall not be open to customers on Sundays. **Reason:** In the interests of nearby residents and to comply

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with the requirements of Policies DP2 and DP9 in the Warwick District Local Plan 1996-2011; and

- (5) the car parking and turning areas associated with the building shall be maintained and kept from obstruction at all times. **Reason:** To ensure that there is adequate parking and manoeuvring space available in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011.

206. **W/16/0200 – Greenacre, Rising Lane, Baddesley Clinton**

The Committee considered an application from Kingswood Homes (West Midlands) Ltd for minor alterations to house types approved under planning permission.

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

The officer was of the opinion that the proposed changes to the previously approved development were minor in nature and retained an acceptable design solution that did not adversely affect the amenity of nearby residents or highway safety. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, it was proposed by Councillor Morris and seconded by Councillor Weed that the application be granted.

The Committee therefore

Resolved that W/16/0200 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from 24th July 2015, the date of the original permission W/15/1443. **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) 250D, 251D, 150B (and 150B overlay) and specification contained therein, submitted on 03/02/16 and 23/03/16, except as required by conditions 3-6 below. **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;

PLANNING COMMITTEE MINUTES (Continued)

- (3) the development shall be carried out in strict accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) no part of the development hereby permitted shall be commenced 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, Trees in Relation to design, demolition and 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:** To protect trees and other features during site construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall be carried out in strict accordance with details of surface water drainage works that shall have been submitted to and approved in writing by the local planning authority. Details shall include sustainable urban drainage methods to avoid localised flooding from the highway onto the lower application site. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (7) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (8) the development shall not be occupied 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 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at

PLANNING COMMITTEE MINUTES (Continued)

maturity, a height of 0.6 metres above the level of the public highway carriageway.

Reason: To ensure that a satisfactory visibility splays in the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (9) the development hereby permitted (including site clearance) shall not commence unless and until two weeks' notice in writing of the start of works has been given to a licensed great crested newt ecologist appointed by the applicant to supervise all ground work elements of the development within the site. The Ecologist's report shall be submitted to the Local Planning Authority within one month of its completion. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and NPPF;
- (10) the development hereby permitted shall either:
- a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
 - b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and NPPF;
- (11) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor window(s) and stairwell windows to be formed in the side elevations of the dwelling houses hereby permitted shall only be glazed or re-glazed

PLANNING COMMITTEE MINUTES (Continued)

with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed.

Reason: In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011; and

- (12) 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 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.

207. W/16/0457 – 98 Bridge End, Warwick

The Committee considered an application from Mr and Mrs Grey for the erection of a two storey and single storey rear extension, bay window to the front elevation and new pitched roof to the garage.

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

The officer was of the opinion that the proposed extensions would not harm the setting of a Grade I Registered Park and Garden; a Grade II listed building, the Warwick Conservation Area by reason of its design, massing and bulk and therefore would not introduce an incongruous feature in the street scene. The proposed extensions would also not cause demonstrable harm to the living conditions of the occupiers of the neighbouring properties through increased visual intrusion or loss of light.

PLANNING COMMITTEE MINUTES (Continued)

An addendum distributed at the meeting advised that CAF had raised concerns about the size of the proposed rear extensions along with a note advising that the applicant had contacted the Committee directly.

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

The Committee therefore

Resolved that W/16/0457 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 2016-1504-59A; 2016-1504-60A; 2016-1504-61; 2016-1504-62; 2016-1504-63; 2016-1504-64, and specification contained therein, submitted on 8th March 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to

PLANNING COMMITTEE MINUTES (Continued)

and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (5) the development hereby permitted shall not commence on the site unless and until details of the foundations and other sub-ground level works have been submitted to and approved in writing by the local planning authority and the development shall only be carried out in strict conformity with the approved details. **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;
- (6) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and
- (7) 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

PLANNING COMMITTEE MINUTES (Continued)

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; DP3 and DAP8 of the Warwick District Local Plan 1996-2011.

(The Chairman adjourned the meeting at 11.02 pm)

Resumption of the adjourned Planning Committee meeting held on Monday 25 April 2016 in the Town Hall, Royal Leamington Spa at 7.18 pm.

Present: Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, Cain, Mrs Falp, Mrs Hill, Margrave, Morris, Naimo, Mrs Stevens and Weed.

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

208. Apologies and Substitutes

Councillor Naimo substituted for Councillor Mrs Knight.

209. Declarations of Interest

Minute Number 211 – TPO 503 – 7 Castle Street, Warwick

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

Minute Number 212 – TPO 504 – 20/22 Millers Road, Warwick

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

210. Minutes

The minutes of the meeting held on 29 March 2016 were taken as read and signed by the Chairman as a correct record.

PLANNING COMMITTEE MINUTES (Continued)

211. TPO 503 – 7 Castle Street, Warwick

The Committee considered an application for the confirmation of a provisional tree preservation order relating to one ash tree.

The officer was of the opinion that the issues raised in objection to the TPO were insufficient to outweigh the significant amenity contribution which the tree made to its surrounding area.

Following consideration of the report and presentation, it was proposed by Councillor Weed and seconded by Councillor Ashford that officers were authorised to confirm TPO 503 without modification.

The Committee therefore

Resolved that officers are authorised to confirm TPO 503 without modification.

212. TPO 504 – 20/22 Millers Road, Warwick

The Committee considered an application for the confirmation of a provisional tree preservation order relating to an oak tree.

The officer was of the opinion that the issues raised in objection to the TPO were insufficient to outweigh the significant amenity contribution which the tree made to its surrounding area.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Bunker and seconded by Councillor Weed that officers were authorised to confirm TPO 504 without modification.

The Committee therefore

Resolved that officers are authorised to confirm TPO 504 without modification.

213. Planning Appeals Report

The Committee received a report, circulated at the meeting that outlined the current enforcement matters and appeals.

Resolved that the report be noted.

(The meeting ended at 7.30pm)