

# Planning Committee

Minutes of the meeting held on Tuesday 25 April 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

**Also Present:** Committee Services Officer – Miss Cox; Legal Advisor – Mrs Gutteridge; Head of Development Services – Mrs Darke; and Senior Planning Officer – Mr Charles.

## 166. **Apologies and Substitutes**

- (a) There were no apologies; and
- (b) Councillor Edgington substituted for Councillor Ashford.

## 167. **Declarations of Interest**

Minute Number 171 – W/17/0290 – 8 Hawkes Hill Close, Norton Lindsey, Warwick

Councillor Morris declared an interest because one of the objectors was known to him, but he stated that this would not influence his decision.

Minute Number 176 – W/17/0123 – 19 Mill Street, Warwick

During the course of the meeting, following approval of the minutes, Councillor Edgington declared a prejudicial interest because he was a member of Warwick Town Council's Planning Committee and he left the room whilst the item was discussed.

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

Minute Number 177 – W/16/2172 – Warwick School, Banbury Road, Warwick

Councillor Mrs Bunker declared an interest because she was a former pupil of King's High School.

Councillor Day declared a personal and pecuniary interest because he was the Chief Executive of the consultancy firm that was advising the applicant on philanthropic fundraising for this project. He left the room while this item was discussed.

During the course of the meeting, following approval of the minutes, Councillor Edgington declared a prejudicial interest because he was a member of Warwick Town Council's Planning Committee and he left the room whilst the item was discussed.

Councillor Mrs Hill declared an interest because she was a former pupil of King's High School.

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

### **168. Site Visits**

To assist with decision making, Councillors Boad, Mrs Bunker, Cooke, Day, Morris, Naimo, Mrs Stevens and Weed had visited the following application sites on Saturday 25 March 2017:

W/17/0123 – 19 Mill Street, Warwick

W/17/0294 – Land adjacent 62 Rounds Hill, Kenilworth

### **169. Minutes**

The minutes of the meeting held on 28 March 2017 were taken as read and signed by the Chairman as a correct record.

(Councillor Edgington arrived at the meeting during this item.)

### **170. W/17/0277 – 8 Warwick Place, Royal Leamington Spa**

The Committee considered an application from Mr Braich for the conversion of part of an existing house to create two new separate two bedroomed flats, with associated landscaping including the removal of an external storage building, alterations to the brick boundary wall and a dropped kerb to provide vehicular access.

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

The officer was of the opinion that the proposed development was located in a sustainable area where new housing was acceptable in principle. The proposed development would not have an adverse impact on the character of the local area and would preserve the character of the Royal Leamington Spa Conservation Area. In addition, the proposal would not have an adverse impact on residential amenity, parking or highway safety and would not have a detrimental impact on protected species. Therefore, it was recommended that the application was approved.

An addendum circulated at the meeting advised that additional supporting information in the form of a Traffic Survey had been submitted by the applicant. In addition, the consultation response from the Council's Private Sector Housing department and a further letter of objection from the occupant of the adjacent property had been received. Furthermore, the addendum advised that an additional condition had been recommended by Environmental Health to address the issue of noise transmission.

The Senior Planning Officer clarified that the additional condition recommended by Environmental Health to reduce noise as a result of construction works included control of the hours of operation, the storage of waste and the movement of construction vehicles on and off the site. In addition, there were three advisory notes to the applicant with respect to noise transmittance; a note making reference to the upgrading of new internal party walls, a second on the potential for noise leakage through roof lights and a further note regarding upgrading works that may be required to reduce noise transmittance through existing party walls.

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

The following people addressed the Committee:

- Ms Miller, in objection to the proposal;
- Mr Simmons, in support of the proposal; and
- Councillor Gifford, Ward Councillor, in objection to the proposal.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Day and seconded by Councillor Heath that the application should be granted in accordance with the recommendation in the report, subject to conditions relating to the internal layout and construction noise, to be finalised by officers, and with notes to the applicant regarding noise transmission.

The Committee therefore

**Resolved** that W/17/0277 be granted, with notes to the applicant regarding noise transmission and subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1185-0502, and specification contained therein, submitted on 15 February 2017. **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) notwithstanding the details on the approved plans, no works shall commence on the construction of the development hereby permitted until revised details of the siting, height, design and materials of the treatment of all boundaries have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and shall be retained as such thereafter. **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 Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of new doors and windows (including a section showing the window reveal, heads and cill details) at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011 (CA);
- (5) prior to occupation of the development the site access and parking area shall be laid out in accordance with drawing number 1185-0502. **Reason:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan;
- (6) the access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan;
- (7) the development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **Reason:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan;
- (8) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
  - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

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

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

**Reason:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

- (9) 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 CO<sup>2</sup> 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;

- (10) a condition relating to construction noise, as per the advice from Environmental Health, to be finalised by officers; and

- (11) a condition relating to the internal layout, to be finalised by officers.

### **171. W/17/0290 – 8 Hawkes Hill Close, Norton Lindsey, Warwick**

The Committee considered an application from Mr James for a two storey side extension and conversion of the existing garage.

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

The neighbour objections were noted. However, the officer was of the opinion that because the proposed extension did not represent a disproportionate addition to the original dwelling, the overall design was in keeping with the area and the extension did not materially impact upon the amenity of neighbouring properties. The extension was, therefore, considered an appropriate form of development.

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

An addendum circulated at the meeting advised that plans had been received amending the red line on the site location plan. In addition, the addendum detailed further comments received from a neighbour at Hawthorne Court and the associated response from the Planning Officer.

Mr Goossens and Mr Chippendale addressed the Committee in objection to the application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Mrs Stevens that the application should be granted in accordance with the officer's recommendation.

The Committee therefore

**Resolved** that W/17/0290 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 3517-01; 3517-02D and specification contained therein, submitted on 17/02/2017 and 21/03/2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (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 CO<sup>2</sup> emissions would be reduced through the initial construction

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

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

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

- (5) 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.

### **172. W/17/0294 – Land adjacent 62 Rounds Hill, Kenilworth**

The Committee considered an application from Ms Tamms for a new dwelling.

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

The officer was of the opinion that the provision of a new dwelling in this location represented sustainable development and, therefore, was acceptable in principle. The officer was satisfied that the development would not result in any unacceptable harm to the character and amenity of the local area, the amenity of neighbouring properties, highway safety or ecological matters.

An addendum circulated at the meeting summarised additional letters of objection received from local residents.

Ms Harding and Mrs Elliott addressed the Committee in objection to the proposal.

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

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 Edgington that the application should be granted in accordance with the officer's recommendation.

The Committee therefore

**Resolved** that W/17/0294 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 5051/17B, 5051/18B and 5051/19B and specification contained therein, submitted on 9 March 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b) a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) if an air source heat pump is chosen as the



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

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;

- (5) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (6) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
  - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

**Reason:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

- (7) 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

## PLANNING COMMITTEE MINUTES (Continued)

without modification), no building or enclosure shall be provided within the curtilage of, and no extension or addition erected or constructed to, any dwelling(s) hereby permitted without the prior written approval of the local planning authority. **Reason:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (8) the development shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of not less than 5 metres at any point, as measured from the near edge of the public highway carriageway. **Reason:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan;
- (9) the access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan;
- (10) the existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for its whole length in accordance with details to be approved in writing by the Local Planning Authority. **Reason:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan;
- (11) the access to the site shall not be widened in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **Reason:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan;
- (12) the development shall not be occupied until a turning area has been provided within the site so as to enable a car to leave and re-enter the public highway in a forward gear. **Reason:** In the interest of highway safety having regard to Policy DP6 and DP8 of the Local Plan; and

- (13) prior to the commencement of the development hereby permitted protective measures for all retained trees including tree protective fencing and/or ground protection shall be installed in accordance with BS 5837:2012 and thereafter maintained throughout the lifespan of the building operations. **Reason:** To protect the existing trees on the site in accordance with Policy DAP3 of the Warwick District Local Plan 1996-2011.

**173. W/16/2282 – 146 Parade, Royal Leamington Spa**

The Committee considered an application from Landlord Furniture Limited for a change of use of upper floor offices to a ten bedroomed house in multiple occupation (HMO), including alterations to the shop front and rear elevation to create new accesses to the upper floors.

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

The application was considered in conjunction with W/16/2283/LB (Minute Number 174), which related to the Listed Building permissions for the premises.

The officer was of the opinion that whilst the proposed conversion of the upper floors of the building to a HMO would exceed the 10% rule as defined in emerging policy H6, the property was located on a main thoroughfare in the town centre which was an identified exception to the 10% policy. In reaching this conclusion, it was also noted that the provision of the HMO would result in a less than 1% increase in the concentration of HMOs in this area.

The proposed development was acceptable with regard to the impact on the character of the area and Royal Leamington Spa Conservation Area, the impact on the Heritage Asset, the impact on neighbouring properties, highway safety and features of ecological importance. On this basis, the officer's recommendation was that planning permission should be granted.

Councillor Knight, representing Royal Leamington Spa Town Council, addressed the Committee in objection to the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Heath and seconded by Councillor Mrs Stevens that the application should be granted, in accordance with the officer's recommendation.

The Committee therefore

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

**Resolved** that W/16/2282 be **granted**, subject to the submission and approval of a Unilateral Undertaking and 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) 02B, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

**Reason:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011; and

- (4) the development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out, and made available for use by the occupants of the development in accordance with the approved details and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. No bins shall be left or stored in any other location other than on collection day.

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

**Reason:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

### **174. W/16/2283 LB – 146 Parade, Royal Leamington Spa**

The Committee considered an application from Landlord Furniture Limited for a change of use of upper floor offices to a ten bedroomed house in multiple occupation (HMO), including alterations to the shop front and rear elevation to create new accesses to the upper floors.

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

The application was considered in conjunction with W/16/2282 (Minute Number 173), which related to the planning permissions for the premises.

The proposed works had been assessed with regard to the impact on the Heritage Asset and the officer was of the opinion that the alterations would preserve the character of the Listed Building.

Councillor Knight, representing Royal Leamington Spa Town Council, addressed the Committee in objection to the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Heath that the application should be granted in accordance with the officer's recommendation.

The Committee therefore

**Resolved** that W/16/2283 LB 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) 02B, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) the new shop front hereby permitted shall be constructed of timber in accordance with plan

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

reference 02B. **Reason:** To ensure that the character of the Listed Building is preserved in accordance with Policy DAP4 of the Warwick District Local Plan 1996-2011.

### **175. W/17/0191 – 26 The Close, Royal Leamington Spa**

The Committee considered an application from Mr Vitish for the conversion of an existing dwelling to two one-bedroomed flats.

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

The officer was of the opinion that the conversion of a house into two flats within this area would not lead to an increase in noise and disturbance. The parking requirement for the proposal was two spaces; the same as for the existing property. The property could provide two off-road car parking spaces and, therefore, the application was considered acceptable in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

Councillor Knight, representing Royal Leamington Spa Town Council, addressed the Committee in objection to the application.

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

The Committee therefore

**Resolved** that W/17/0191 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); and
- (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) AMENDED 16/84-02 Rev D, and specification contained therein, submitted on 9th March 2017. **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)**

### **176. W/17/0123 – 19 Mill Street, Warwick**

The Committee considered a retrospective application from Mrs Middlebrook for the erection of a garden shed.

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

The officer was of the opinion that the application would not result in material harm to the character and appearance of the area, the living conditions of the occupiers of the neighbouring properties, the setting of the Listed Building or the trees. Therefore, it was recommended that the application was approved.

Mr Stephenson addressed the Committee in objection to the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Mrs Hill and seconded by Councillor Boad that the application should be granted, in accordance with the officer's recommendation.

On the Chairman's casting vote, the Committee therefore

**Resolved** that W/17/0123 be **granted** subject to the following condition:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing location plan and specification contained within email dated 7th February 2017 from Guy Middlebrook therein.  
**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

The meeting was adjourned at 8.25 pm and resumed at 8.40 pm.

### **177. W/16/2172 – Warwick School, Banbury Road, Warwick**

The Committee considered an application from Warwick Independent Schools Foundation (WISF) for the relocation of King's High School to co-exist alongside Warwick School and Warwick Preparatory School. The application included the erection of five new buildings ranging between one and three storeys in height, improvements to the internal access arrangements and landscaping, increased car parking and coach drop off areas, the erection of a substation and gas regulator house, the demolition of four buildings and the relocation of the existing access off Banbury Road.

The application was presented to Committee because it was recommended that planning permission was granted subject to the completion of a legal agreement.

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

The officer was of the opinion that the proposal represented an opportunity to free-up valuable town centre land and would improve the facilities for King's High and Warwick School. The proposal would also improve the parking and layout for pedestrians within Warwick School and measures had been taken in order to ensure that highway safety was maintained, and the ecological impact would be managed. Therefore, the application was recommended for approval.

An addendum circulated at the meeting advised that an amendment to the scheme with respect to N1, the King's High building, had been submitted following the publication of the report in order to reduce the overall cost of the scheme. Consequently, an amendment to Condition 2 was required to substitute drawing numbers. In addition, Warwickshire County Council (WCC) Ecology had confirmed that the additional information submitted addressed items required by Condition 7, and this condition could therefore be amended from a pre-commencement condition to a standard condition to ensure that the combined ecological and landscaping scheme submitted was adhered to during the course of the works on site.

Furthermore, the agent had advised that the development would be built in a phased approach and had, therefore, requested that the wording of conditions 9 and 17 was amended accordingly. The applicant had queried whether condition 10 was reasonable given that Warwickshire County Council (WCC) Highways was responsible for highway drainage. On reflection and in conjunction with advice obtained from WCC Legal Services, officers had concluded that condition 10 of the report was unreasonable and should not form part of any approval granted.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Boad and seconded by Councillor Mrs Stevens that the application should be granted in accordance with the recommendation in the report, subject to amendments to conditions 2, 7, 9 and 17 and the removal of condition 10 of the report.

The Committee therefore

**Resolved** that W/16/2172 be **granted** subject to the completion of the necessary legal agreement and the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings:
  - POC-NHA-A-PL-00-002 Rev P10 (proposed site masterplan) submitted on 13th April



## PLANNING COMMITTEE MINUTES (Continued)

2017;

- POC-NHA-N2-A-PL-0010, POC-NHA-N2-A-PL-0011, POC-NHA-N3-A-PL-0010, POC-NHA-N3-A-PL-0011, POC-NHA-N4-A-PL-0010, POC-NHA-N4-A-PL-0011 and POC-NHA-N5-A-PL-0010 submitted on 25th November 2016, and POC-NHA-N1-00-DR-A-00-0010 Rev P12, POC-NHA-N1-01-DR-A-00-0011 Rev P12, POC-NHA-N1-03-DR-A-00-0012 Rev P06, submitted on 13th April 2017 (general arrangement plans);
- POC-NHA-N1-A-PL-0100, POC-NHA-N1-A-PL-0103, POC-NHA-N2-A-PL-0100, POC-NHA-N2-A-PL-0101, POC-NHA-N3-A-PL-0100, POC-NHA-N3-A-PL-0101, POC-NHA-N4-A-PL-0100, POC-NHA-N4-A-PL-0101 and POC-NHA-N5-A-PL-0100 submitted on 25th November 2016, and POC-NHA-N1-XX-DR-A-00-0100 Rev P06, submitted on 13th April 2017, and POC-NHA-N1-XX-DR-A-00-0101 Rev P06 and POC-NHA-N1-XX-DR-A-00-0102 Rev P06 submitted on 19th April 2017 (general arrangement elevations);
- POC-NHA-N1-A-PL-0300, POC-NHA-N1-A-PL-0301, POC-NHA-N2-A-PL-0300, POC-NHA-N2-A-PL-0301, POC-NHA-N3-A-PL-300, POC-NHA-N3-A-PL-301, POC-NHA-N4-A-PL-0300, POC-NHA-N4-A-PL-0301 (typical bay study);
- POC-NHA-XX-A-PL-0100 and POC-NHA-XX-A-PL-0101 (long site sections); and
- LP2055-FIRA-10-W-3001 Rev L submitted on 13th April 2017,

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

- (3) the development (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: No works of demolition or construction shall be undertaken

## PLANNING COMMITTEE MINUTES (Continued)

unless and until a construction management plan has been submitted to and approved in writing by the District Planning Authority. The construction management plan shall include details of:

- Any temporary measures required to manage traffic during construction;
- Plans and details of haul roads within the site and for the turning and unloading and loading of vehicles within the site during construction;
- Dust management and suppression measures;
- Wheel washing;
- Noise assessment and mitigation method statements for the construction activities; in accordance with provisions of BS 5228:2009 Code of practice for noise and vibration control on construction and open sites – Part 1 and 2;
- Concrete crusher if required or alternative procedure;
- Delivery times and site working hours;
- Site lighting;
- Access and protection arrangements around the site for pedestrians, cyclists and other road users;
- Restrictions on burning and details of all temporary contractors buildings;
- Plant and storage of materials associated with the development process;
- External safety and information signing notices;
- Complaints procedures, including complaints response procedures and dedicated points of contact;
- Best practicable means shall be employed at all times to control noise and dust on the site including:
- Work which is likely to give rise to noise nuisance be restricted to the following hours: Mon-Fri 7.30 am - 5 pm, Sat 7.30 am - 1pm. No working Sundays or Bank Holidays.
- Delivery vehicles should not be allowed to arrive on site before 8 am or after 4.30 pm Mon – Fri, 8 am - 1 pm Sat and not on Sundays or Bank Holidays.

All development shall take place in accordance with the approved Construction Management Plan unless otherwise agreed in writing with the Local Planning Authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free

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

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;

- (4) no development shall take place until: -
1. A site investigation has been designed for the site using the information obtained from the approved desk-top / preliminary study and any diagrammatical representations (conceptual model). 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.

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

b) 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. This should 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

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

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 DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall not commence until a Construction and Environmental Management Plan 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 Saved Policy DAP 3 of the Warwick District Local Plan;

- (6) no development shall take place until:
- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
  - b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork shall be submitted to the planning authority.

## PLANNING COMMITTEE MINUTES (Continued)

c) an Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development 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;

(7) 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:

- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
- 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.
- Provide evidence to show an agreement from Severn Trent Water to connect to the existing surface water network.

## PLANNING COMMITTEE MINUTES (Continued)

- An overland flow routing/exceedance flow plan should be provided, to demonstrate any exceedance flow is directed away from buildings and access and egress remain clear to ensure the safety of site users.
- Provide a maintenance plan to the LPA giving details on how the entire surface water systems shall be maintained and managed after completion for the life time of the development.

**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;

- (8) other than site clearance and preparation works no phase of development shall commence until samples of the external facing materials to be used for that phase have been submitted to and approved in writing by the local planning authority. Development shall be carried out in strict accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (9) the development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

- (10) the development hereby permitted shall not commence until details of the Banbury Road access arrangement have been submitted to and approved by the local planning authority. The development shall be carried out strictly in accordance with the approved details. **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

## PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 1996-2011;

- (11) no hard or soft landscaping shall be implemented until details of hard landscaping works which 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 for each phase have been submitted to and approved in writing by the local planning authority. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of each phase of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. 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.

**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;

- (12) the development shall not be occupied until space has been provided within the site for the parking, turning, loading and unloading of vehicles in accordance with details to be approved in writing by the Local Planning Authority. The approved parking, turning, loading and unloading areas shall be retained at all times thereafter. **Reason:** To ensure the

## PLANNING COMMITTEE MINUTES (Continued)

free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;

- (13) gates or barriers erected at the entrance to the site for vehicles and pedestrians shall not be hung so as to open to within 5 metres of the near edge of the public highway. **Reason:** To ensure the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (14) no installation of external lighting shall take place until a detailed lighting scheme has been submitted and approved in writing by 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 can be achieved in the following ways:
- low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps
  - the brightness of lights should be as low as legally possible
  - lighting should be timed to provide some dark periods
  - connections to areas important for foraging should contain unlit stretches
  - if lighting is necessary, the light levels in the surrounding area of bat roosts and in foraging/commuting areas should be less than 3 Lux in line with BCT guidelines.

All external lighting shall be installed in strict accordance with the approved scheme.

**Reason:** To ensure appropriate measures are taken in relation to protected species;

- (15) the development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority. **Reason:** To ensure the protection of highway safety and pedestrian safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;



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

(16) the development hereby permitted shall be carried out strictly in accordance with the details included in the Arboricultural Impact Assessment prepared for Arup by Midland Forestry Limited, their report reference MF 9612 dated 31 October 2016, subject to the following restrictions:

a) prior to the commencement of the development a suitably qualified tree specialist shall be appointed to supervise any works within the root protection areas of protected and retained trees; and

b) the appointed, suitably qualified tree specialist shall undertake supervision and monitoring of the tree protection works throughout the construction period and submit to the local planning authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures.

**Reason:** To protect those trees 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;

(17) no installation of external lighting shall commence until a lighting assessment including the provision of lux plot/lighting distribution plan demonstrate how the reduction of obtrusive light will be achieved, has been submitted and approved by the Local Planning Authority. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;

(18) noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the

## PLANNING COMMITTEE MINUTES (Continued)

amenities of the occupiers of nearby properties in the locality in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;

(19) the development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) *Project One Campus POC-ARUP-RP-C-001 Issue 1(November 2016)* and additional technical note *Project One Campus POC-ARP-RP-C-002 (March 2017)* and the following mitigation measures detailed within the approved documents:

- Limit the discharge rates in accordance with technical note *Project One Campus POC-ARP-RP-C-002 (March 2017)* for each outfall of the site.
- Provide provision of surface water attenuation storage as stated within the technical note *Project One Campus POC-ARP-RP-C-002 (March 2017)* and/ or in accordance with 'Science Report SC030219 *Rainfall Management for Developments*'.
- Surface water is to be provided via a minimum of two trains of treatment using the proposed drainage features within the drainage design.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. **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;

(20) the development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick

## PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 1996-2011;

- (21) pitches 9 and 10 shall be constructed and laid out in accordance with drawing ref. 691-NHASK262-04 and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before first use or occupation of the King's High School building hereby permitted.

**Reason:** To ensure the quality of pitches is satisfactory and they are available for use before development;

- (22) the Sports Technology building hereby permitted shall not be occupied until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the local planning authority, and a copy of the completed approved agreement has been provided to the local planning authority. The agreement shall apply to;

- a new 3G pitch;
- an existing grass rugby pitch;
- two existing sand based artificial grass pitches;
- the existing gymnasium (within the Sports Technology building); and
- the existing Sports Centre.

The community use agreement should include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the local planning authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement. **Reason:** To secure well managed safe community access to the sports facility/facilities and to ensure sufficient benefit to the development of sport;

- (23) the development hereby permitted shall take place in accordance with the approved scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site. **Reason:** In the interests

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

of Public Safety from fire, and the protection of Emergency Fire Fighters; and

- (24) the development hereby permitted shall be carried out strictly in accordance with the submitted ecological and landscaping scheme agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). Any alterations to the ecological and landscaping scheme must be agreed in writing by the Local Authority and strictly adhered to thereafter. **Reason:** In accordance with NPPF, ODPM Circular 2005/06.

### **178. W/17/0094 – 55 Queen Street, Cubbington**

An application was received from Mr Young for the erection of a two storey rear extension.

Following the withdrawal of the objection made by Cubbington Parish Council prior to the meeting, this item was withdrawn from the agenda and Members were advised that the decision would be granted under delegated powers.

(The meeting ended at 8.54 pm)