

# Planning Committee

Minutes of the meeting held on Wednesday 30 January 2019 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

**Also Present:** Principal Committee Services Officer – Mrs Dury; Legal Advisor – Mrs Gutteridge; Head of Development Services – Mr Barber; Ms Obremski – Principal Planning Officer; and Business Manager – Development Management – Mr Sahota.

## 158. Apologies and Substitutes

There were no apologies or substitutions made.

## 159. Declarations of Interest

Minute Number 162 – W/18/1960 – The Great Western, Coventry Road, Warwick

The following Councillors declared an interest in this application:

- Councillors Ashford, Barrott and Weed, because one of the speakers was known to them;
- Councillor Morris, because he was the Ward and Town Councillor for the application site.

Minute Number 163 – W/18/1733 – Sowe View, Coventry Road, Stoneleigh

Councillor Mrs Bunker declared an interest because she was a longstanding friend of one of the applicants. She remained open-minded about the proposals.

## 160. Site Visits

There were no site visits made.

The Chairman announced that two planning applications had been withdrawn by the applicants:

W/18/1996 – Land at the Valley, Radford Semele; and  
W/18/2388 – Riverside House, Royal Leamington Spa.

## 161. W/18/2145 – Offa House, Village Street, Offchurch

The Committee considered an application from Mrs Hartog for the refurbishment and restoration of the main property including internal alterations to provide a single residential dwelling (including change of use from retreat (Sui Generis to C3 residential), single storey extensions, window and door alterations, two dormer windows, re-roofing and new roof lantern. It included the proposed creation of two additional dwellings through detachment of the main property from later additions by

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

demolishing the 1960's and 1980's extensions - the remaining wing would form one additional residential unit, with extensions, and the existing ancillary Coach House, with extensions, would form the second additional unit. Associated landscaping and gates.

The application was presented to the Committee because Eathorpe, Hunningham, Offchurch & Wappenbury Joint Parish Council supported the application and a petition of 65 signatures in support of the application had been received. The application had been recommended for refusal.

The officer was of the opinion that the proposed development was considered to constitute inappropriate development in the Green Belt which was harmful by definition and by reason of harm to openness. It was also considered to cause harm to heritage assets. There were no public benefits or very special circumstances identified which would outweigh this harm. The development was therefore considered to be contrary to the NPPF and Local Plan policies DS18, BE1 and HE1, and was therefore recommended for refusal.

An addendum circulated at the meeting advised that the Offchurch Group Parochial Church Council supported the proposed boundary treatment which would maintain views across the valley remaining visible from the churchyard.

The following people addressed the Committee:

- Councillor Palmer, representing the support for the proposals from Eathorpe, Hunningham, Offchurch & Wappenbury Joint Parish Council;
- Mrs Hartog, the applicant; and
- Councillor Doody, Ward Councillor, speaking in support.

Councillors felt that the applicant was part-way towards proposals that could be accepted, especially in respect of the main building, but more work was required.

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

The Committee therefore

**Resolved** that W/18/2145 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) the proposed development comprises inappropriate development within the Green Belt which is harmful by definition and by reason of harm to openness. In the opinion of the LPA no very special circumstances have been demonstrated which are considered sufficient to outweigh the harm identified. The

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

development is therefore considered to be contrary to the NPPF and Warwick District Local Plan Policy DS18; and

- (2) Local Plan Policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan requires development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal.

Local Plan Policy BE4 states that the re-use of rural buildings is acceptable where the proposed use or adaptation can be accommodated without extensive rebuilding or alteration to the external appearance of the building, and the proposal retains and respects the special qualities and features of listed and other traditional rural buildings

In the opinion of the Local Planning Authority, the proposed development would result in substantial harm to designated heritage assets within the site boundaries, by virtue of a loss of original fabric with historic significance and reducing the grandeur of the principal façade of Offa House and its architectural value by introducing a large extension which is uncharacteristic of its time. Furthermore, the proposed Johnson Wing would dominate and detract from the nearby listed building and fails to respect the form of Offa House. The extension to the Coach House is not considered to be in keeping with the overall form and layout of its surroundings and would detract from the special rural and architectural character of the existing building. Furthermore, dividing the site is considered to detract from Offa House and diminish the presence of this

## PLANNING COMMITTEE MINUTES (Continued)

substantial house in extensive grounds, which is integral to the historic character of the listed building, and identity and status of the property within the village.

The proposal is thereby considered to be contrary to the aforementioned policies.

### 162. **W/18/2146 LB – Offa House, Village Street, Offchurch**

The Committee considered an application from Mrs Hartog for Listed Building Consent for refurbishment and restoration of main dwelling including internal alterations, single storey extensions and demolition of the 1960's and 1980's additions, window and door alterations, re-roofing and new roof lantern; extensions and alterations to the Coach House.

This application had been requested to be presented to Committee by Councillor Doody, the Ward Councillor, and was being presented to Planning Committee because more than five expressions of support had been received, and it was recommended for refusal.

The officer was of the opinion that the proposed development was considered to have a significant harmful impact on heritage assets and it was considered that there were no public benefits identified which would outweigh this harm. The development was considered to be contrary to the NPPF and Local Plan policy HE1, and should therefore be refused.

An addendum circulated at the meeting advised that the Offchurch Group Parochial Church Council supported the proposed boundary treatment which would maintain views across the valley remaining visible from the churchyard.

The three speakers had made their comments about this application when called to address the Committee on the associated application W/18/2145.

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

The Committee therefore

**Resolved** that W/18/2146 LB be **refused** in accordance with the recommendations in the report, for the following reason:

- (1) Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the

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

proposal.

The proposed development would result in substantial harm to designated heritage assets within the site boundaries, by virtue of a loss of original fabric with historic significance and reducing the grandeur of the principal façade of Offa House and its architectural value by introducing a large extension which is uncharacteristic of its time. The extension to the Coach House is not considered to be in keeping with the overall form and layout of its surroundings and would detract from the special rural and architectural character of the existing building. Finally, dividing the site is considered to detract from Offa House and diminish the presence of this substantial house in extensive grounds, which is integral to the historic character of the listed building, and identity and status of the property within the village.

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

### **163. W/18/1960 – The Great Western, Coventry Road, Warwick**

The Committee considered an application from P & P Properties for a resubmission of W/18/1028 for the proposed erection of four terraced dwellings.

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

The officer was of the opinion that the proposal was considered to provide an acceptable form of development, of a high quality design which would enhance the Conservation Area. The development was not considered to harm neighbouring amenity and provided acceptable parking in accordance with the relevant guidance. The proposal would also have an acceptable ecological impact and therefore, it was recommended that planning permission should be granted.

An addendum circulated at the meeting advised that Environmental Protection had not objected to the application, subject to conditions in relation to noise mitigation for the future occupiers, a contaminated land survey and air quality improvements.

The Environment Agency had not objected to the proposals, subject to the inclusion of a condition requiring the provision of a detailed flood mitigation report (which had been detailed in the report).

The addendum also advised that the proposed Condition 4 in the report would be amended to the wording suggested by Environmental Health Officers.

## PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

- Councillor Murphy, representing Warwick Town Council's objections to the proposals;
- Mr Sternberg, objecting;
- Mr Simmons, speaking in support; and
- Councillor Edgington, District Councillor, speaking against the proposals.

Officers confirmed that the amount of car parking provided was in line with policy; the 16 spaces were split between the town houses with eight spaces and this development with eight spaces. Amenity space was provided to the rear and there was a large area of public open space.

Officers also confirmed that the site was just outside the Conservation Area, therefore permission was not required to demolish the building. The only consideration would be the method to demolish and to ensure the conservation of any protected species.

Members were advised by the Council's Legal Advisor that there was a condition already in the report that could be amended to re-use materials from the existing building.

A motion to refuse the application was defeated. Officers and the Legal Advisor reminded Councillors that the building could be demolished without seeking consent because it was not within the Conservation Area, and the Council could not insist that it was replaced.

Councillors agreed that the material condition was to be amended to include reference to reuse of materials from the existing building.

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

The Committee therefore

**Resolved** that W/18/1960 be **granted** in accordance with the recommendations in the report and addendum, subject to confirmation of no objection by the LLFA and the following conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings 1159-0510-05



## PLANNING COMMITTEE MINUTES (Continued)

and 1159-0511-04 submitted on 21 December 2018 and drawing 1159-0512-05 submitted on 10 January 2019 and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

- (3) no development shall be carried out above slab level unless and until a scheme for the provision of suitable nesting boxes for swifts to be erected on buildings within the site has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.

**Reason:** To ensure the protection of endangered species and ensure a biodiversity gain in accordance with the NPPF, ODPM Circular 2005/06 and Warwick District Local Plan 2011 - 2029 policy NE2;

- (4) the development hereby permitted shall not commence until a noise assessment and scheme of mitigation including detailed arrangements to protect residents of the development from excessive road, rail and factory noise, entering habitable rooms and the provision of quiet garden areas shielded from road, rail and factory noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter.

**Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies BE3 & NE3 of the Warwick District Local Plan 2011-2029;

- (5) no development shall be carried out above slab level unless and until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the setting of the Conservation Area,

**PLANNING COMMITTEE MINUTES (Continued)**

and to satisfy Policy HE2 of the Warwick District Local Plan 2011-2029;

- (6) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. Materials from the existing building should be re-used when possible. The development shall only be carried out in accordance with the approved details.

**Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (7) the development hereby permitted shall not be occupied unless and until the car parking, cycle storage areas and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;

- (8) the development shall not be occupied until the access works, footway works and site have been laid out and constructed as indicated on the approved drawings. **Reason:** To ensure the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029;

- (9) 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 and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **Reason:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;



## PLANNING COMMITTEE MINUTES (Continued)

- (10) the development hereby permitted shall not be occupied until the electric charging points shown on the approved drawings have been installed and made available which satisfy the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014). The electric charging points shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
- (11) all window and door frames shall be constructed in timber and shall be painted and not stained. **Reason:** To ensure an appropriate standard of design and appearance within the setting of the Conservation Area and Registered Park and Garden, and to satisfy Policies HE1 and HE2 of the Warwick District Local Plan 2011-2029; and
- (12) within one month of the installation of metal railings, they shall be colour coated black. Any replacement or modification shall be colour coated black to match within one month of being carried out. **Reason:** To ensure that the metal railings hereby approved are colour coated in the interests of the visual amenities of the locality in accordance with Policies BE1 and HE2 of the Warwick District Local Plan 2011 - 2029.

At 7.51pm, the Chairman adjourned the meeting for a comfort break. It was reconvened at 8.10pm.

### **164. W/18/1733 – Sowe View, Coventry Road, Stoneleigh**

Prior to this application being considered and the meeting being reconvened, in agreement with the Chairman and because of the sensitive nature of the application, Mr Sawdon provided a copy of an email in support of the application from Mr Bussell. The Council had not received the email because the email address was incorrect. A copy of the email was circulated to each member of the Committee and Mr Sawdon.

The Committee considered an application from Mr Innocent for the erection of a two-bedroom bungalow, detached garage and widening of the existing drive by three kerb stones.

The application was presented to Committee because it was recommended that planning permission should be refused and more than five letters of support had been received. Councillor Wright, the Ward Councillor, had also

## PLANNING COMMITTEE MINUTES (Continued)

requested that the application should be determined by the Planning Committee.

The officer was of the opinion that whilst the development would not cause a highway danger or a detrimental impact on ecology, biodiversity, residential amenities or the Conservation Area, it would constitute inappropriate development in the Green Belt and an unsustainable form of development. There had been no changes in circumstances or policy context since the previous appeal decision and no further justification for the development had been put forward that would demonstrate very special circumstances. The proposal would therefore be contrary to the NPPF and the Warwick District Local Plan 2011-2029.

The Head of Development Services advised the Committee that there was an amendment to the report in the reasons for refusal; BE1 (K) should state BE1 only.

The following people addressed the Committee:

- Mr Innocent, who read out Councillor Hancox's speech, representing Stoneleigh & Ashow Parish Council's support for the proposals. The statement informed that there were mistakes in the officer's report and the plans;
- Mr Sawdon and Mr Innocent, speaking in support; and
- Councillor Wright, Ward Councillor, speaking in support.

Councillors confirmed to Mr Sawdon that they had read Mr Bussell's email in support of the application.

Members confirmed the correct details of the application following the statement read out from Councillor Hancox. It was confirmed that the application was for a single storey bungalow, it did not include a detached garage. It was also confirmed that because the application site fell outside the village boundary, it did not constitute limited infill within the terms of the Council's policy.

Councillors expressed their understanding and sympathy for the unfortunate circumstances surrounding the application but could not make an exception to the Council's policies as detailed in the report, lest it opened the floodgates to other applications. They were mindful of a similar application that the Planning Inspector had refused on similar grounds.

Following consideration of the report, presentation and the representations made at the meeting, including the email circulated at the meeting, it was proposed by Councillor Boad and seconded by Councillor Weed that the application should be refused.

The Committee therefore

**Resolved** that W/18/1733 be **refused** in accordance with the recommendation in the report, for the following reasons:

- (1) the application site lies within the Green Belt



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and outside of the development boundaries of Stoneleigh village. As the proposed development is for a single dwelling on a large area of grassland in the open countryside, it is considered to be inappropriate development in the Green Belt and does not meet any of the exceptions listed in paragraph 145 or 146 of the NPPF.

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is considered that no very special circumstances have been demonstrated to justify this inappropriate development and as such, the proposal is harmful by definition and by reason of harm to openness. The proposal would be contrary to Policy DS18 of the Warwick District Local Plan (2011 - 2019) and section 13 of the NPPF; and

- (2) Policy H1 of the Warwick District Local Plan (2011 – 2029) seeks to ensure that the direction of growth for new housing is within the urban areas and within the boundaries of Growth Villages and Limited Infill Villages. In the open countryside, new housing will only be granted where the site is adjacent to the boundary of the urban area or growth village and there is an identified housing need to which the proposed development can contribute. The proposal must be for a small scale development that will not have a negative impact on the character of the settlement. The proposed development is not located within a Growth or Limited Infill Boundary Village and no evidence of housing need has been put forward to justify the development and the dwelling is not required for a rural worker. In addition, the proposed development would have a detrimental impact on the openness of the area. The principle of development is therefore contrary to policies H1, H15 and BE1 of the Warwick District Local Plan (2011 – 2029).

## PLANNING COMMITTEE MINUTES (Continued)

### 165. **W/18/2057 – Avon Cottage, 10 Church Road, Ashow**

The Committee considered an application from Mr Collett for the erection of a replacement greenhouse.

The application was presented to Committee because it was recommended for refusal and Stoneleigh & Ashow Parish Council supported the application. There had also been more than five letters of support.

The officer was of the opinion that the proposal constituted inappropriate development in the Green Belt and would be harmful by definition and by reason of harm to openness. There were considered to be no very special circumstances which outweighed this harm. The proposal would also be harmful to the setting of the listed building and the character and appearance of the Conservation Area.

The following people addressed the Committee:

- Mrs Williams, representing Stoneleigh & Ashow Parish Council, which supported the proposals; and
- His Honour Judge Cleary, who spoke in support.

After receiving advice from officers and the Legal Advisor, despite the fact that the general consensus was that the design was very attractive, Members came to the conclusion that there were no very special circumstances that outweighed the harm to the Green Belt.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application should be refused.

The Committee therefore

**Resolved** that W/18/2057 be **refused** in accordance with the recommendations in the report, for the following reasons:

- (1) the proposed greenhouse would constitute inappropriate development in the Green Belt which would be harmful by definition and by reason of harm to openness. In the opinion of the LPA, no very special circumstances exist which would outweigh the harm identified.

The proposed development is therefore considered to be contrary to the NPPF and Policy DS18 of the Warwick District Local Plan 2011-2029; and

- (2) the proposal relates to a Listed Building within a Conservation Area. In the opinion of the LPA, it is considered that the proposed replacement greenhouse would be harmful to the character, appearance, significance and setting of the



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

listed building and the character and appearance of the Conservation Area by reason of its scale and size.

The harm is less than substantial, but there are considered to be no public benefits which outweigh the harm identified.

The development is thereby considered to be contrary to Policy HE1 of the Warwick District Local Plan 2011-2029.

### **166. W/18/0190 – Unit 3, Holly House, Queensway, Royal Leamington Spa**

The Committee considered an outline application from Queensway Conference Centre Limited for the demolition of the existing workshop and the construction of a mixed use development consisting of a complimentary health suite (Use Class D1) and 19 flats consisting of 12 x one bedroom, 4 x two bedroom and 3 x three bedroom. (Amended scheme consisting of revised access and parking layout together with the reduction in size of units).

The application was presented to Committee because it was recommended for approval and an objection from Royal Leamington Spa Town Council had been received, as well as more than five letters of objection from the public.

The officer was of the opinion that the site was a brownfield site within the Urban Area of Royal Leamington Spa and Local Plan Policy H1 allowed for new residential development in these locations.

The proposal was in outline form, but officers were satisfied that the site was capable of accommodating a very high quality scheme at that level, which was acceptable in overall terms, including in respect of the integration of built development within the surrounding landscape and the site provided additional benefits in the form of a complimentary health suite to serve the local community.

Affordable Housing and improvements to Open Space provision could be secured through a Section 106 Agreement.

For the reasons stated in the report, officers recommended that outline planning permission should be granted, subject to the conditions listed in the report and the signing of a Section 106 Agreement.

An addendum circulated at the meeting clarified matters on height restriction and gave a breakdown of parking standards. An additional condition to ensure means of access to the site had been provided and approved prior to occupation and an associated note regarding works within the highway to be added was also recommended.

## PLANNING COMMITTEE MINUTES (Continued)

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

The Committee therefore

**Resolved** that W/18/0190 be **granted** in accordance with the recommendations in the report and addendum, subject to conditions and a Section 106 Agreement to secure the necessary obligations as set out in the report.

Should a satisfactory Section 106 Agreement not have been completed by 28 February 2019, authority is delegated to the Head of Development Services to refuse planning permission on the grounds that the proposal makes inadequate provision in respect of the issues the subject of that agreement.

Conditions:

- (1) details of the appearance, landscaping, layout and scale of the development (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 strict 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 no 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) no development shall commence unless and until details of foul water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details. **Reason:** To ensure that

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adequate drainage facilities are available for the satisfactory and proper development of the site, in accordance with Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029;

- (5) other than site clearance works, no development shall take place until a detailed Drainage Strategy, to demonstrate the existing and proposed drainage plans for the site, shall be submitted and approved in writing by the Local Planning Authority. The strategy should include the following details:

- assessment of the nature of SUDS proposed to be used;
- the allowable rates of run-off from the site;
- demonstration that all surface water is managed on site for a range of events, including an allowance for climate change;
- an assessment of pre-development surface water flows and discharge rates;
- the proposed allowance for exceedance flow and overland flow routing;
- how surface water systems will be managed and maintained for their lifetime.

The development shall be carried out in full accordance with the approved details and maintained as such thereafter.

**Reason:** To ensure appropriate surface water drainage is provided on site in accordance with Policies FW1 and FW2 of the Warwick District Local Plan;

- (6) the development hereby permitted (including any works of demolition) shall not commence unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing, where appropriate;

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- 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;
- a scheme for recycling / disposing of waste resulting from demolition and construction works.

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

- (7) the development hereby permitted (including demolition) shall not commence until an updated bat survey of the site (possibly to include appropriate activity surveys) in accordance with BCT Bat Surveys for Professional Ecologists- Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029;
- (8) no development above slab level shall commence until an environmental noise assessment has been carried out by a competent person. A report of that assessment together with recommendations for any necessary mitigation measures to comply with BS 8233:2014 "Sound Insulation and Noise Reduction in Buildings-code of practice and "World Health Organisation Guidelines for Community noise" shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details shall be carried out strictly in accordance with all the recommendations contained within the approved noise report prior to first occupation of the development. Thereafter, the mitigation measures shall be maintained in accordance with the approved details. **Reason:** To protect



## PLANNING COMMITTEE MINUTES (Continued)

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

- (9) no development above slab level shall commence until details of appropriate noise insulation between the party walls/ceiling of the commercial use and residential units has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation measures shall be maintained in accordance with the approved details. **Reason:** To protect the amenities of future occupiers in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;

- (10) prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages,

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maintenance and arrangements for contingency action.

5) A verification report containing the data identified in (4).

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.

**Reason:** To safeguard health, safety and the environment in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

(11) in the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (No.CONT3), and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of condition (No.CONT4), which shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (No.CONT5). **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies BE3 and NE5 of the Warwick District Local Plan 2011-2029;

(12) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the

## PLANNING COMMITTEE MINUTES (Continued)


visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (13) no development shall be carried out above slab level until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (14) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029;
- (15) the development hereby permitted shall not be occupied unless and 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 and the approved scheme has been implemented in full in strict accordance with the approved details. **Reason:** In the interest of the fire safety and protection of public safety and to satisfy Policy BE1 of the Warwick District Local Plan 2011-2029;

## PLANNING COMMITTEE MINUTES (Continued)

- (16) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan;
- (17) construction works that are likely to give rise to off-site noise shall only take place between the hours of 10am to 4pm Monday to Friday, 8am to 1pm on Saturdays and at no time during Sundays or Bank Holidays. **Reason:** The buildings are closely adjoined by residential properties and the Local Planning Authority considers it necessary to control the construction works in the interests of the amenities of the area in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
- (18) no deliveries shall be taken at the site and no vehicle(s) shall enter or leave the site before 8am or after 4.30pm, Monday to Friday, before 8am or after 1pm on Saturdays or at any time on Sunday or Bank/Public Holiday. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
- (19) delivery vehicles are not to be permitted to wait outside the construction site before the site is open for working. **Reason:** To protect the amenities of occupants of nearby properties in accordance with Policy BE3 of the Warwick District Local Plan 2011-2029;
- (20) the demolition and construction works shall be carried out in accordance with the following requirements:

### Noise

- 
- Best practicable means shall be employed at all times to control noise. The Contractor shall employ the best practicable means to

## PLANNING COMMITTEE MINUTES (Continued)

reduce to a minimum the noise produced by his operations and shall comply with the general recommendations in BS 5228: 1984 'Noise Control on Construction and Open Sites'.

- Without prejudice to the generality of the Contractor's obligations imposed by the above statement, the following shall apply:
- All vehicles, mechanical plant and machinery used for the purpose of the works associated with the Contract shall be fitted with proper and effective silencers and shall be maintained in good and efficient working order.
- All compressors shall be "noise reduced" models, fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use and all ancillary pneumatic percussion tools shall be fitted with mufflers or silencers of the type recommended by the manufacturers.
- Whenever possible, only electrically-powered plant and equipment shall be used.
- Acoustic screens shall be used to protect any noise sensitive development where deemed necessary by the Head of Health and Community Protection for Warwick District Council or his representative.
- All plant and machinery in intermittent use shall be shut down in the intervening periods between work.

### Dust

- Unloading shall only take place within the site itself.
- Regular sweeping of access roads to the site must be carried out where mud is likely to affect residents and/or highway safety. In dry conditions damping down of road surfaces should be carried out to control dust. a vehicle wheel wash will be provided to minimize carry-over to the highway.
- On-site dust shall be controlled by use of "best practicable means" to prevent dust arising from road surfaces, wind whipping of stock piles, handling of dusty materials, crushing, compacting and cutting and grinding operations.

## PLANNING COMMITTEE MINUTES (Continued)

### Smoke

- There shall be no burning on site.

### Light

- External work lighting, flood lighting, security lights must not cause light nuisance to neighbouring occupiers. Particular attention must be paid to the siting and orientation of lights to avoid glare.

**Reason:** In the interests of the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029;

(21) the overall height of the proposed building shall not exceed the overall ridge height of the development known as Monarch Court, Monarch Gardens. **Reason:** To ensure the development is in keeping with the character of the local area in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;

(22) the Complimentary Health Suite shall be limited to a maximum of two consulting rooms at all times and maintained in perpetuity. **Reason:** To comply with the parking standards of the Local Planning Authority and in accordance with Policy TR3 of the Warwick District Local Plan 2011-2029; and

(23) the development hereby permitted shall not be occupied unless and until the means of access to the site has been provided in full accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter the means of access shall be kept available for use by vehicular traffic at all times. **Reason:** In the interests of vehicular and pedestrian safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

### Associated Note:

An associated note regarding works within the highway.



## PLANNING COMMITTEE MINUTES (Continued)

### 167. **W/18/1539 – 109 Windy Arbour, Kenilworth**

The Committee considered an application from Mr Gardner for extensions and re-modelling of the existing dwelling house and the erection of one two-storey detached dwelling house to the side garden and associated access. This was a re-submission of planning application ref W/18/0423.

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

The officer was of the opinion that the proposed development sought the provision of a dwelling adjacent to 109 Windy Arbour following the partial demolition of the existing property which would be remodelled. The provision of a new dwelling in this location was considered to represent sustainable development and therefore was acceptable in principle.

Officers were 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 or highway safety.

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

The Committee therefore

**Resolved** that W/18/1539 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin no 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 8008-10 Rev A B, 8008-16 Rev A B, Front elevation (Street Scene), and specification contained therein, submitted on 4 January 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029;
- (3) no development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the

## PLANNING COMMITTEE MINUTES (Continued)

approved details. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;

- (4) the development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan; and
- (5) the development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029.

### 168. **W/18/2110 – Station Approach, Royal Leamington Spa**

The Committee considered an application from A. C. Lloyd Homes / Waterloo Housing Group for the variation of condition 2 (approved plans) of planning permission ref: W/15/0905 (Demolition of the existing bus depot, car sales lot and disused building between the lower and upper portions of Station Approach and changes to existing Warwick District Council car park reducing spaces from 300 down to 100. Construction of 212 homes consisting of 118 flats and 94 houses with ancillary parking, open space and associated highway alterations to Station Approach) to provide amended plans for Apartment Block A (updated to comply with latest statutory requirements resulting in increase in height) together with the



## PLANNING COMMITTEE MINUTES (Continued)

relocation of the bin/cycle store to block A and amendments to house types C1, C2, F1, F2 and J1 (to substitute entrance canopy support details).

The application was presented to the Committee because it was recommended that planning permission be granted subject to the completion of a Supplemental Deed to the existing s.106 legal agreement.

The officer was of the opinion that the proposed changes to the approved plans were minor in nature and would not result in any material harm to the character and appearance of the area. The increase in height of the apartment block would not result in any demonstrable harm to the character of the area. The proposed changes to the 30 plots was limited to the alteration of canopy support detailing only and did not affect the size and scale of the plots affected.

An addendum circulated at the meeting advised that revised plans had been received for house types F1 and F2. The change related to the position of the chimneys only. If the application was granted, the condition referring to the approved plans would be changed to reflect the revised plan numbers.

One letter of objection had been received relating to the loss of the car parking spaces. This element was considered and approved under the original submission and was not being considered by the current proposal.

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

The Committee therefore

**Resolved** that W/18/2110 be **granted** in accordance with the recommendations in the report, subject to the conditions imposed on the previous planning permission (amended as necessary) and subject to the completion of a Supplementary Deed which to bind the existing s.106 agreement to the new permission.

### Conditions:

- (1) the development hereby permitted shall begin no later than three years from the date of planning permission ref: W/15/0905. **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) MP01, 02, 03, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16 (Rev P1); HA1\_01, HA02\_01, HD1/2\_01, HD3/4\_01, HE1\_01, HGK1\_01, HH1\_01, HI1\_01, B\_B\_01,

## PLANNING COMMITTEE MINUTES (Continued)

B\_B\_03, B\_B\_03, B\_B\_E01, B\_B\_X01, B\_C\_01, B\_C\_02, B\_C\_03, B\_C\_E01, B\_C\_X01, B\_D\_01, B\_D\_02, B\_D\_03, B\_D\_E01, B\_D\_X01, B\_E\_01, B\_E\_02, B\_E\_03, B\_E\_E01, B\_E\_X01, B\_FGH\_01, B\_FGH\_E01 (Rev 01); G\_01, G\_02, G\_03 (Rev P1); ES\_01 Rev P1; SE\_01, SE\_02, SE\_03 (Rev P01); BMD.15.007.DR.P002, BMD.15.007.DR.P104, BMD.15.007.DR.P101, BMD.15.007.DR.P102, BMD.15.007.DR.P103, BMD.15.007.DR.P001, MID3943\_001, AAJ5036\_LS-01\_E, AAJ5036\_LS-02\_E, AAJ5036\_LS-03\_E, and specification contained therein, submitted on 8 June 2015, 13 July 2016 & 18 August 2016 and approved drawings AAH5314/01-1 Rev Q, AAH5314/01-2 Rev N, AAH5314/48-3 Rev A (Block A stores only), AAH5314-C1-S-16 Rev a, AAH5314-C2-S-16 Rev A, AAH5314-F1-S-16 Rev D, AAH5314-F2-S-16 Rev B, AAH5314-J1-S-18, AAH\_406-01 Rev. P2, AAH\_406-02 Rev. P2, AAH\_406-03 Rev. P2, AAH\_406-04 Rev. P2, AAH\_406-05 Rev. P2, and AAH\_406-01 Rev. P3 and specification contained therein, submitted on 5 November 2018 and 7 January 2019. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029;

- (3) prior to each phase of development approved by this planning permission, no development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
1. A supplementary site investigation scheme, based on the findings and recommendations of the two ground investigation reports produced by GIP Ltd (report refs. ML/21961, dated 26 June 2014 and ML/22841, dated 10 April 2015) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should be carried out following the vacation of the site by the current occupiers, allowing full access to all areas of the site.
  2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options

## PLANNING COMMITTEE MINUTES (Continued)

appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components will require details to be resubmitted to the Local Planning Authority for subsequent agreement. The scheme shall be implemented as approved.

**Reason:** To protect the quality of 'Controlled Waters' receptors on and in the vicinity of the site, primarily the groundwater held within the underlying Secondary A aquifer and for the satisfactory and proper development of the site in accordance with Policies NE5 & FW2 of the Warwick District Local Plan 2011-2029;

- (4) no construction shall be undertaken until a Construction Management Plan, which should contain a Construction Phasing Plan, measures to prevent mud and debris being deposited on the highway, details of any temporary measures required to manage traffic during construction, plans and details for the turning and unloading and loading of vehicles within the site during construction, dust suppression, demolition or clearance works, delivery times, restrictions on burning, details of all temporary contractors buildings, plant and storage of materials associated with the development process and HGV Routing Plan is submitted and approved by the Local Planning Authority. All details shall be carried out as approved.

**Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1, TR4 & NE5 of the Warwick District Local Plan 2011-2029;

- (5) the development shall not be first occupied until all the works within the renewable energy / energy efficiency scheme that was approved under condition 3 of planning permission no. W15/0905 have been completed and thereafter the works shall be retained at all times and



## PLANNING COMMITTEE MINUTES (Continued)

shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy CC3 of the Warwick District Local Plan 2011-2029;

- (6) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that were approved under condition 4 of planning permission no. W15/0905. **Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy FW2 of the Warwick District Local Plan 2011-2029;
- (7) none of the dwellings hereby permitted shall be occupied until a trespass proof fence adjacent to the boundary with the railway has been installed in strict accordance with the details approved under condition 6 of planning permission no. W15/0905. **Reason:** To protect the adjacent railway from unauthorised access and improve community safety in accordance with Policy HS7 of the Warwick District Local Plan 2011-2029;
- (8) the development shall be carried out in strict accordance with the details of ground levels, earthworks and excavations to be carried out near to the railway boundary that were approved under Condition 7 of planning permission no. W15/0905. **Reason:** To protect the adjacent railway from any undue disruption to the operation of train services;
- (9) the open space scheme that was approved under Condition 8 of planning permission no. W15/0905 shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To ensure appropriate open space and recreational facilities are provided to serve the development in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029;
- (10) no lighting shall be installed or operated other than in strict accordance with the lighting details that were approved under Condition 9 of planning permission no. W15/0905. **Reason:** To ensure that any lighting is designed so as not to detrimentally affect the

## PLANNING COMMITTEE MINUTES (Continued)

amenities of the occupiers of nearby properties and that appropriate measures are taken in relation to protected species in accordance with Policies BE3, NE4 and NE5 of the Warwick District Local Plan 2011-2029;

- (11) the Construction and Environmental Management Plan that was approved under Condition 10 of planning permission no. W15/0905 shall 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 NE2 of the Warwick District Local Plan 2011-2029;
- (12) the development shall be carried out only in full accordance with the sample details of the facing and roofing materials that were approved under Condition 12 of planning permission no. W15/0905. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029;
- (13) the Low Emission Strategy that was approved under Condition 13 of planning permission no. W15/0905 shall 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 NE5 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2018;
- (14) the scheme detailing low energy mechanical ventilation that was approved under Condition 14 of planning permission no. W15/0905 shall be implemented in accordance with the approved details and shall be retained thereafter. **Reason:** To protect residents of the development from the adverse effects of noise and disturbance from outside the development in accordance with Policies BE3 & NE5 of the Warwick District Local Plan 2011-2029;
- (15) the bat mitigation measures that were approved under Condition 15 of planning permission no. W15/0905 shall be implemented in full. **Reason:** To ensure that protected species are not harmed by the

## PLANNING COMMITTEE MINUTES (Continued)

development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029 and the aims and objectives of the NPPF;

- (16) the development shall not be occupied until the scheme for the provision of adequate water supplies and fire hydrants that was approved under Condition 17 of planning permission no. W15/0905 has been implemented to the satisfaction of the Local Planning Authority.

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

- (17) an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site and any report of the findings must be submitted to and approved in writing by the local planning authority prior to first occupation. The report of the findings, to be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', must include; (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risk to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monument; (iii) an appraisal of remedial options, and proposal of the preferred option(s). **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies NE2 & NE5 of the Warwick District Local Plan 2011-2029;

- (18) the development shall be undertaken in accordance with a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared which shall be submitted to and approved in writing by the local planning

## PLANNING COMMITTEE MINUTES (Continued)

authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies NE2 & NE5 of the Warwick District Local Plan 2011-2029;

- (19) the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced shall be submitted to and approved in writing by the Local Planning Authority. **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies NE2 & NE5 of the Warwick District Local Plan 2011-2029;
- (20) in the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (No.18), and where



## PLANNING COMMITTEE MINUTES (Continued)

remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (No.19), which shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (No.20). **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies NE2 & NE5 of the Warwick District Local Plan 2011-2029;

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

- (22) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until the scheme for the protection of all existing trees and hedges to be retained on site that was approved under Condition 23 of planning permission no. W15/0905 has been put in place. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The



## PLANNING COMMITTEE MINUTES (Continued)

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 NE4 of the Warwick District Local Plan 2011-2029;

- (23) the hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the first dwelling house (of that relevant phase and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation (of that relevant phase). 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 BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029;
- (24) no infiltration of surface water drainage into the ground is permitted other unless this has been agreed in writing with the Local Planning Authority. This may be appropriate only for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. **Reason:** To protect the quality of 'Controlled Waters' receptors on and in the vicinity of the site and for the satisfactory and proper development of the site in accordance with Policies NE5 and FW2 of the Warwick District Local Plan 2011-2029;
- (25) if piling or any other foundation designs using penetrative methods are used, works shall not commence unless and until details have first been submitted to and agreed in writing by the



## PLANNING COMMITTEE MINUTES (Continued)

Local Planning Authority. Penetrative foundation methods may be appropriate for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. **Reason:** Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater in accordance with Policy NE5 of the Warwick District Local Plan 2011-2029 and the NPPF; and

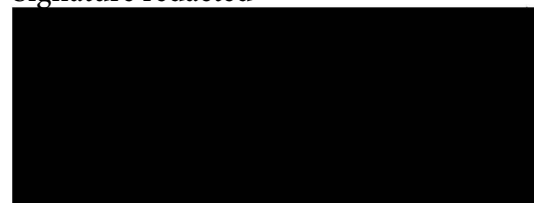
- (26) prior to groundworks, remediation or built construction the access to the site shall be implemented, located and laid out in general accordance with drawing MID3943\_001.  
**Reason:** To ensure that a satisfactory access in the interests of highway safety in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

### 169. **W/18/2388 – Riverside House, Royal Leamington Spa**

This application was withdrawn by the applicant.

(The meeting ended at 9.35pm)

Signature redacted



CHAIR  
26 February 2019

A handwritten signature in black ink, appearing to be 'JL' or similar, located at the bottom left of the page.