

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 16 August 2011 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Illingworth (Chairman); Councillors Mrs Blacklock, Brookes, Copping, Ms Dean, Dhillon, Mrs Higgins, MacKay, Rhead and Weed.

There were no apologies for absence.

63. **SUBSTITUTES**

There were no substitutes.

64. **DECLARATIONS OF INTEREST**

Minute Number 65 – W10/1310 – Former Ford Foundary Site, Old Warwick Road, Leamington Spa

Councillor Dean declared a personal interest because a colleague had submitted a letter of support.

Councillor Rhead declared a prejudicial interest because he was a friend of the son of the applicant, left the room for the duration of the item and did not take part in the discussion or the decision taken by the Committee.

Minute Number 66 – 4 Old Milverton Road, Old Milverton

Councillor Blacklock declared a personal interest because she knew some members of the applicant's family.

Minute Number 67 – W11/0435 – Londis Supermarket, Newland Road, Lillington

Councillor Weed declared a personal interest because she was a local resident.

Minute Number 68 – W11/0490 – Priory Medical Centre, Cape Road, Warwick

Councillor Copping declared a prejudicial interest because he had previously considered the site as part of Warwickshire Link. He left the room for the duration of the item, and did not participate in the discussion or the decision taken by the Committee.

Councillors Dhillon and Mrs Higgins declared personal interests because the application was in their ward.

Councillor Rhead declared a prejudicial interest as both a patient and a speaker on the item. After speaking he left the room for the duration of the item, and did not participate in the discussion or the decision taken by the Committee.

PLANNING COMMITTEE MINUTES (Continued)

Minute Numbers 69 & 70 – W11/0496 & W11/0497 LB – Regency Arcade, 154-156 Parade, Royal Leamington Spa

Councillor Dean declared a personal interest because the applications were in her ward.

Minute Numbers 73 & 74 – W11/0179 & W11/0180 LB – The Commonwealth Club, 3 Church Street, Royal Leamington Spa

Councillor Weed declared a personal interest because the applications were in her ward.

Minute Number 75 – W11/0274 – The Studio, Barford Road, Sherbourne

Councillor Rhead declared a personal interest because the application was in his ward.

Minute Number 77 – W11/0656 – Brook Farm, Stoneleigh Road, Coventry

Councillor MacKay declared a personal interest because the application was in his ward.

65. W10/1310 – FORMER FORD FOUNDRY SITE & ASSOCIATED LANDHOLDINGS, OLD WARWICK ROAD AND PRINCES DRIVE, LEAMINGTON SPA

The Committee considered an application from Trilogy (Leamington Spa) Limited for a hybrid planning application for a comprehensive mixed use development comprising demolition of former foundry buildings and: (i) Detailed planning application for structural landscaping and a retail store (including ancillary uses) (Use Class A1) and associated access, servicing, highway works, parking, footpaths, cycleways, public realm and other related works; and (ii) Outline planning application for offices (of up to 10,000sqm GIA including ancillary uses) (Use Class B1(a)), light industry (Use Class B1(c)) and/or storage and distribution (of up to 7,000sqm GIA) (Use Class B8), hotel (of up to 120 bedrooms) (Use Class C1), open space and associated access, servicing, parking including a decked car park, public realm and other related works.

The application was presented to the Committee because it was recommended that planning permission be granted subject to the completion of a legal agreement, and because a number of objections had been received, including one from Royal Leamington Spa Town Council.

The Committee had visited the site on Saturday 13 August 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

An addendum circulated at the meeting contained further comments which had been received from Deeley Properties Limited and Waitrose Limited, the agent for the same, Warwickshire County Council, Central Leamington Area Residents Association and the applicant, Trilogy, following preparation of the agenda. Officer responses were included in the addendum, as were a number of amended conditions.

PLANNING COMMITTEE MINUTES (Continued)

The case officer considered the following policies to be relevant:

Station Area Planning and Development Brief (Supplementary Planning Guidance - September 2008)

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

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

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

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

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

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

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

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

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

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

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

SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)

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

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

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

UAP2 - Directing New Employment Development (Warwick District Local Plan 1996 - 2011)

UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)

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

SSP1 - Employment Allocations (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)

Vehicle Parking Standards (Supplementary Planning Document)

Open Space (Supplementary Planning Document - June 2009)

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of highway safety, the impact on the living conditions of nearby dwellings or the ecological impact of the proposals which would justify a refusal of permission. Furthermore the applicant had demonstrated that an employment-led redevelopment would not be viable and that there were no sequentially preferable sites available for a foodstore. The proposal was therefore considered to comply with the policies listed.

Following an extensive presentation by planning officers on the application, Mr Lewenz, Mr Davison and Mr Wareing addressed the Committee as objectors to the application. Mr Stones then spoke in support of the application, representing Trilogy (Leamington Spa) Limited.

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

PLANNING COMMITTEE MINUTES (Continued)

opinion that the application should be granted in accordance with the officer's recommendation, subject to a Section 106 Agreement and conditions (as amended in the addendum), with an amendment to revise conditions 7 and 9 to clarify that no demolition should take place until a programme of archaeological work and a survey report on contamination has been undertaken and approved by the Council.

RESOLVED that W10/1310 be GRANTED, subject to the completion of a Section 106 agreement to require: a contribution of £50,000 towards the cost of a new bus / rail interchange at Leamington Spa Station providing a new pedestrian crossing and bus stops / shelters on Old Warwick Road directly opposite the station entrance; diversion of the X17 bus service to run along Old Warwick Road past the frontage of the site, with a 15 minute frequency, over a three year period commencing upon occupation of the foodstore - contributions of £110,000 prior to the occupation of the foodstore, £100,000 on the first anniversary of the first payment and £90,000 on the second anniversary of the first payment; a contribution of £15,000 towards the consultation process for a Traffic Regulation Order to reduce the speed limit on Old Warwick Road from 40mph to 30mph and to prohibit right turning movements from Park Drive to Princes Drive; details of a marketing strategy for the office and light industrial / storage and distribution developments; a contribution of £32,000 over two years to fund the Brunswick Employment Club; measures to increase the number of local people employed in the foodstore and during the construction of the foodstore; a contribution of £52,000 and implementation of measures to set up a community group to manage a sustainable community woodland on the triangle of land north of the railway line, including details of leasing the land and public access to the site; and a Green Travel Plan, and subject to the following conditions:

- (1) the development hereby permitted in detail (i.e. the foodstore and structural landscaping and associated access, servicing, highway works, parking, footpaths, cycleways, public realm and other related works) must be begun not later than the expiration of three years from the date of this permission. The development hereby permitted in outline must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

PLANNING COMMITTEE MINUTES (Continued)

- (2) with the exception of the foodstore and structural landscaping and associated access, servicing, highway works, parking, footpaths, cycleways, public realm and other related works, this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced on each subsequent phase of development:-

- (a) appearance
- (b) landscaping (other than the structural landscaping hereby approved)
- (c) layout
- (d) scale

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

- (3) in the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority, for each phase of the development, not later than the expiration of three years beginning with the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990;

- (4) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) B944/0101 P5, B944/0102 P1, B944/0103 P2, B944/0106 P2, B944/0107 P1, B944/0110 P4, B944/0129 P2, B944/0120 P2, B944/0121 P2, B944/0122 P2, B944/0123 P1, B944/0126 P1, B944/0127 P1, B944/0130 P2, B944/SK016 P1, W103982L03D, W103982L05D, W103982L07B, W103982L08B, W103982L09N, W103982L10A, 19374-01-1-OS-004A, 19374-01-1-OS-005D, 19374-01-1-OS-007A, 19374-01-1-OS-008A & 23531/004/002 1, and specification contained therein, submitted on 11 October 2010, 4 January 2011, 8 April 2011, 28 April 2011, 17 June 2011 & 3 August 2011, and any details approved under Condition 2, unless first agreed otherwise in writing by the District Planning Authority. **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)

(5) details of the means of disposal of storm water and foul sewage from each phase of the development shall be submitted to and approved by the District Planning Authority before any construction works for each phase of the development hereby permitted are commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

(6) construction work shall not begin on any phase of the development hereby permitted until a surface water drainage scheme for that part of 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. The scheme shall subsequently be implemented in accordance with the approved details for the relevant phase of the development.

The scheme shall also include:

- a 300mm freeboard for built development above surface water flooding levels for the 100 year plus Climate Change event;
- details to ensure manhole covers are not lifted in high intensity rainfall events;
- details of SUDS features; and
- details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, ensure safety from surface water flooding, improve water quality and ensure future maintenance of the surface water drainage system, in accordance with Local Plan Policy DP11;

(7) construction work shall not begin until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON:** To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (8) construction work shall not begin on any phase of the development hereby permitted until a detailed Landscape and Ecological Management Plan for that part of the site has been submitted to and approved in writing by the District Planning Authority. The plan should also include details of habitat creation measures including creation and management of bat roosting opportunities (e.g. setting up bat boxes), nesting bird opportunities (e.g. setting up bird boxes), creating areas of wild flower grasslands (including the protection of the existing rare plant species on site and the eradication of invasive plants), protecting/replacing trees on site (including the native black poplars) as well as details of managing the whole site for wildlife. It should also include details of enhancement of existing habitat – in particular supplementary planting of suitable buffer zones with appropriate native species. Details of species used and sourcing of plants should be included. The plan should also include details of long-term monitoring of the site, including further species-specific monitoring surveys such as an additional bat survey 1 year after completion of works. Such approved measures shall thereafter be implemented in full for each phase of the development. **REASON:** To ensure a net biodiversity gain in accordance with PPS9 and Policy DP3 of the Warwick District Local Plan;
- (9) construction work shall not begin until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by toxic or other noxious materials and on the remedial measures required to deal with the hazards (including details of the timing and phasing of the remedial measures). All toxic or obnoxious materials shall be removed or otherwise treated in strict accordance with the approved details and timescale. The foodstore hereby permitted shall not be opened unless and until all demolition and remediation works for the whole of the application site have been completed. **REASON:** To protect the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;
- (10) construction work shall not begin until a verification report demonstrating the completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by

PLANNING COMMITTEE MINUTES (Continued)

the District Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

REASON: To protect the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

- (11) construction work shall not begin on any phase of the development hereby permitted until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the relevant phase of the development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (12) construction work shall not begin on any phase of the development hereby permitted until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. Each phase of the development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority for that phase of the development. **REASON:** In the interests of fire safety;

- (13) samples of all external facing materials to be used for the construction of the foodstore hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details for the relevant phase of the development. **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;

PLANNING COMMITTEE MINUTES (Continued)

- (14) construction work shall not begin on any phase of the development hereby permitted until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details for the relevant phase of the development. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (15) no part of the development hereby permitted shall be first occupied unless and until the relevant part of the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (16) the cycle provision shown on the approved plans shall be completed before the foodstore hereby permitted is occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON:** To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (17) the proposed car parking area for the development hereby permitted in detail shall be constructed, surfaced, laid out and available for use prior to the first occupation of the foodstore hereby permitted, in full accordance with the approved plan. At all times thereafter the car parking area shall be kept free of obstruction and available for the parking of vehicles in association with the foodstore hereby permitted unless agreed otherwise in writing by the District Planning Authority. **REASON:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (18) the landscaping scheme submitted as part of the application hereby permitted in detail (including the proposed silva cells) shall be completed, in all respects, not later than the first planting season following the completion of the foodstore hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted.

REASON: To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (19) all demolition and tree removal works hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roofs of the buildings to be demolished and all trees to be removed. All roofing material is to be removed carefully by hand. Should bats be found during these operations, then work must cease immediately while Natural England and WCC Ecology Unit are consulted for further advice. In addition to this, the qualified bat worker shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings.

REASON: To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan;

- (20) no deliveries shall take place to or from any of the premises hereby permitted (including the foodstore, hotel, offices and light industrial / warehouse units) except between the hours of 0700 and 2300 on Mondays to Saturdays or between the hours of 0900 and 1800 on Sundays. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;

- (21) the engines of all delivery lorries shall be switched off within 5 minutes of the lorry parking on the site. **REASON:** To protect the amenities of surrounding properties, in accordance with policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (22) noise arising from any plant or equipment operated on the application site, when measured

PLANNING COMMITTEE MINUTES (Continued)

one metre from the facade of any noise sensitive premises (including the hotel hereby permitted), shall not exceed the background noise level by more than 3dB(A) measured as LAeq(5 minutes). **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (23) no external lighting or sound amplification system shall be fixed to the external walls or roofs of the buildings hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (24) no materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site. **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;
- (25) the foodstore hereby permitted shall be used as a foodstore and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The net retail sales area of the foodstore shall not exceed 3,400 sq m. No more than 21% of this net retail sales area shall be used for the display and sale of comparison goods. **REASON:** To satisfy the requirements of Policy UAP3 in the Warwick District Local Plan 1996-2011;
- (26) all accesses to the development sites for vehicles shall not be used unless the required highway works have been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (27) the foodstore hereby permitted shall not be occupied unless and until the following highway works have been completed in strict accordance with the approved plans:

PLANNING COMMITTEE MINUTES (Continued)

- (a) the signalised access shown on drawing no. 19374-01-1-OS-004A;
- (b) the on and off-road cycle path to Old Warwick Road and Princes Drive shown on drawing nos. 19374-01-1-OS-004A, 19374-01-1-OS-007A & 19374-01-1-OS-008A;
- (c) the improvements to the Europa Way roundabout shown on drawing no. 19374-01-1-OS-007A;
- (d) the widening and improvements to the Old Warwick Road roundabout, the provision of signalised crossings to Princes Drive and Europa Way, access treatments, associated landscaping and provision of an uncontrolled crossing to Myton Road, as shown on drawing nos. 19374-01-1-OS-007A & 19374-01-1-OS-008A;
- (e) the improvements and widening to Princes Drive as shown on drawing nos. 19374-01-1-OS-005D & 19374-01-1-OS-008A; and
- (f) the new signal junction, signalised pedestrian crossing and associated works to the Park Drive / Princes Drive junction, as shown on drawing no. 19374-01-1-OS-005D.

REASON: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (28) the offices hereby permitted shall not be occupied unless and until the priority junction shown on drawing no. 19374-01-1-OS-004A has been constructed in strict accordance with the approved plans. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (29) none of the light industrial and storage and distribution units hereby permitted shall be occupied unless and until the public highways around the entrance to that part of the application site have been improved so as to provide a safe pedestrian area in accordance with a scheme that shall have been submitted to and approved in writing by the District Planning Authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (30) the accesses to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interests of highway safety, in accordance with the

PLANNING COMMITTEE MINUTES (Continued)

requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(31) the development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the kerb, footway and verge has been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and

(32) the foodstore hereby permitted shall not be occupied unless and until a Green Travel Plan to promote sustainable transport choices to the foodstore has been submitted to and approved in writing by the District Planning Authority. The approved measures (and any approved variations) shall be implemented in full at all times after the completion of the foodstore. The plan shall:

(i) specify targets for the proportion of employees and visitors travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;

(ii) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;

(iii) explain and justify the targets and measures by reference to the transport impact assessment approved in accordance with condition x;

(iv) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

REASON: To satisfy the aims of PPG13 : Transport in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site and in accordance with Policy DP7 of the Warwick District Local Plan 1996-2011;

66. W10/1518 – 4 OLD MILVERTON ROAD, OLD MILVERTON, LEAMINGTON SPA

The Committee considered an application from Mr Tansey for the erection of a two storey side and rear extension.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to the Committee at the request of Councillor Hammon. It had previously been presented to Committee on 6 April 2011 when it was deferred for discussion concerning ways of achieving some extension to the house and not including the garage. The garage element had since been dropped from the application.

An addendum circulated at the meeting informed the Committee that a petition containing 14 signatures from residents of the village in support of the proposal has been submitted to the District Planning Authority on 15 August 2011.

The Committee had visited the site on Saturday 13 August 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:

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

Sustainable Buildings (Supplementary Planning Document - December 2008)

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

Vehicle Parking Standards (Supplementary Planning Document)

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

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

The 45 Degree Guideline (Supplementary Planning Guidance)

RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the proposal was acceptable in terms of ecology, parking and renewables, that it would not result in material harm to the living conditions of the occupiers of the neighbouring property and that it would respect the character of the street scene. However, the extension, taken with a previous extension, would radically alter the scale and character of the original dwelling and would constitute inappropriate development in the Green Belt which, for the reason given in paragraph 3.2 of PPG2, would be harmful to the Green Belt. There were no material considerations sufficient to outweigh the harm that the proposed development would cause to the Green Belt.

Mrs Tansey and Ward Councillor Hammon addressed the Committee in support of the application, disputing the size of the extension post 1948, arguing that it was more likely to have been pre-war, and suggesting that this was a modest and entirely appropriate extension which would improve the character of the building.

Following consideration of the report, presentation and addendum, along with the representations made at the meeting, the Committee were of the opinion that the application should be granted contrary to the officer's recommendation, subject to standard conditions in relation to time limit, approved plans, renewable energy, and materials, because the proposal was considered to be in accordance with PPG2 as very special circumstances existed in terms of turning a small property into habitable accommodation, it would improve the appearance of the property, to outweigh the limited harm to the openness of the Green Belt having regard

PLANNING COMMITTEE MINUTES (Continued)

to the fact that this was a large plot, well screened, and well away from the road.

RESOLVED that W10/1518 be GRANTED contrary to the officer's recommendation, subject to standard conditions in relation to time limit, approved plans, renewable energy, and materials.

REASON: The proposal is considered to be in accordance with PPG2 as very special circumstances exist in terms of turning a small property into habitable accommodation and it will improve the appearance of the property, to outweigh the limited harm to the openness of the Green Belt having regard to the fact this is a large plot, well screened, and well away from the road.

(Councillor Rhead left the meeting for the duration of this item, having declared a prejudicial interest.)

67. W11/0435 – LONDIS SUPERMARKET, NEWLAND ROAD, LILLINGTON, LEAMINGTON SPA

The Committee considered an application from Londis Supermarket for erection of single storey extensions to the front and rear of an existing shop; and erection of a single storey side extension to create a separate hot food takeaway unit (Use Class A5).

The application was presented to the Committee because it was recommended for refusal and a petition with more than 5 signatures in support of the application had been received.

The Committee had visited the site on Saturday 13 August 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
UAP5 - Protecting Local Shops (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)

The case officer was of the opinion that the proposals would adversely affect the vitality and viability of the Crown Way Local Shopping Centre and

PLANNING COMMITTEE MINUTES (Continued)

therefore that the proposals would be contrary to Local Plan Policy UAP3 and UAP5. There was an established principle in UAP5 that hot food takeaways would not be permitted outside of the town centre or local shopping centres. There had been 2 previous refusals of planning permission for hot food takeaways on the application site, and a subsequent appeal was dismissed. There had been no change in circumstances since that appeal that would indicate that a different conclusion would be reached now. Therefore the proposals would cause unacceptable noise and disturbance for nearby dwellings.

An addendum circulated at the meeting stated that the applicant had advised that the installation of an air source heat pump for the hot food takeaway would be impractical and consequently this had been deleted from the application. The applicant had also submitted further information to demonstrate that the ground level of the application site was more than 0.5m lower than that of the adjacent dwelling at No. 143 Mason Avenue. Consequently the proposed rear extension would only be approximately 10cm higher than the existing boundary fence. In view of this, the proposed rear extension was unlikely to cause undue loss of light or loss of outlook for no. 143 and therefore recommended reason for refusal no. 3 had been deleted. The revised recommendation remained that planning permission should be refused, but only for reasons 1 and 2 quoted in the Committee Report.

Mr Clink and Ward Councillor Wreford-Bush spoke in support of the application, pointing out that a significant proportion of local residents supported the application, were elderly, did not drive, had seen a recent loss in bus services and were heavily reliant on very limited local services.

Following consideration of the report, presentation and addendum, along with the representations made at the meeting, the Committee were of the opinion that the application should be granted contrary to the officers' recommendation, subject to standard conditions in relation to time limit, approved plans, materials, renewable energy, tree method statement, provision of litter bins, opening hours restricted to 11.30am to 9.30pm, delivery times, plant noise, fume extraction, and external lighting, because the proposal was in accordance with UAP3 as there was a need for the proposal, this would reduce the need for local people to travel, and have no significant adverse impact on the nearby local centre.

RESOLVED that W11/0435 be GRANTED contrary to the officers' recommendation, subject to standard conditions in relation to time limit, approved plans, materials, renewable energy, tree method statement, provision of litter bins, opening hours restricted to 11.30am to 9.30pm, delivery times, plant noise, fume extraction, and external lighting.

REASON: The proposal is in accordance with UAP3 as there is a need for the proposal, this will reduce the need to travel, and have no significant adverse impact on the nearby local centre.

PLANNING COMMITTEE MINUTES (Continued)

68. W11/0490 – PRIORY MEDICAL CENTRE, CAPE ROAD, THE CAPE, WARWICK

The Committee considered an application from GPI Limited for the erection of extensions to an existing medical centre to form a new pharmacy and nurse practitioner rooms, with replacement parking spaces, and a cycle shelter.

The application was presented to the Committee because a large number of objections had been received, including one from Warwick Town Council.

An addendum circulated at the meeting presented comments which had been submitted, after publication of the agenda, by Mr Taylor and Warwickshire Local Pharmaceutical Committee, and responses from Mellors, Claridges, and the Chamber of Trade, all of which reiterated previous objections.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 1996 - 2011)
TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of impact on the town centre, traffic, or local amenities which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

Town Councillor Ashford, Mr Taylor and Ward Councillor Kinson objected to the application. Mr Moran and Councillor Rhead spoke in support of the application.

Following consideration of the report, presentation and addendum, along with the representations made at the meeting, a proposal to refuse the application contrary to the recommendation because it was a retail use outside of the town centre and contrary to UAP3 on the grounds that it would have an adverse impact on the vitality of the town centre, was lost, with 4 votes in favour, 4 votes against and the Chair exercising his casting vote in favour of the officers' recommendation. A second proposal, to defer the application for a site visit and further information on need/justification for hours of operation, clarification on the hours of opening of other pharmacies, the alterations to the building, whether condition 7 was enforceable, adequacy of the car parking and further assessment of the late comments that were submitted, was carried by 6 votes to 0.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that W11/0490 be DEFERRED for a site visit and further information on the need/justification for hours of operation, clarification on the hours of opening of other pharmacies, the alterations to the building, whether condition 7 is enforceable, adequacy of the car parking and further assessment of the late comments that were submitted.

(Councillor Copping left the meeting for the duration of this item, having declared a prejudicial interest. Councillor Rhead left the meeting after speaking as a member of the public in support of the application, having declared a prejudicial interest.)

69. W11/0496 – REGENCY ARCADE, 154-156 PARADE, LEAMINGTON SPA

The Committee considered an application from Whitbread PLC for change of use from A1/B1(a)/D1 to A1 (retail) and C1 (hotel with ancillary accommodation including restaurant/bar/coffee shop) with alterations to east, south and west elevations, including new/replacement window openings, provision of an external rooftop plant, signage zones and associated internal and external works.

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

An addendum stated that, following discussions between the applicant and the Highway Authority regarding the Section 106 contribution, the Highway Authority had agreed that this could be reduced to £30,000. This would relate to works to the junction of Parade / Dormer Place / Newbold Terrace only. Conditions had been amended following discussions with the applicant and the Council's Engineers, and these were also detailed in the addendum. An additional condition was included, to require the development to be carried out in accordance with the revised Flood Risk Assessment.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
TCP4 - Primary Retail Frontages (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
Planning Policy Statement 25 : Development and Flood Risk

It was the case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property was situated. Furthermore, the proposals would preserve the vitality and viability of this part of the town centre and would be acceptable in terms of highway safety and would have an acceptable impact on the living conditions of neighbouring dwellings. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation, subject to a Section 106 Agreement and conditions (as amended in the addendum).

RESOLVED that application W11/0496 be GRANTED subject to a Section 106 agreement to secure a contribution of £60,000 towards sustainable transport improvements in the locality, and to the conditions listed below:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) SK01E, SK02G, SK03B, SK04B, SK05B, SK06A, SK07A, SK08, SK09, SK10, SK11A, SK12 and BMW/1312/100 P4, and specification contained therein, submitted on 12 April 2011, 13 May 2011, 17 May 2011, 27 June 2011, 26 July 2011 & 3 August 2011, unless first agreed otherwise in writing by the District Planning Authority.
REASON: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until

PLANNING COMMITTEE MINUTES (Continued)

large scale details of doors, windows (including a section showing the window reveal, heads and cill details), balconies and the bridge link at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

- (4) no development shall be carried out on the site which is the subject of this permission, until details of the treatment of the walls of the atrium have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;
- (5) the cycle provision shown on the approved plans shall be completed before the hotel hereby permitted is occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON:** To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (6) the hotel hereby permitted shall not be occupied unless and until a fume extraction system has been installed in accordance with details that shall have been submitted to and approved by the District Planning Authority. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;
- (7) the hotel hereby permitted shall not be occupied unless and until:
 - (a) the floor level of the area marked "Goods-in Lobby" on drawing no. SK02G has been raised to 50.66mAOD;

PLANNING COMMITTEE MINUTES (Continued)

- (b) the address has been signed up to the Environment Agency Flood Warning Service;
- (c) two back-up water sensors have been provided at a level of 50.15mAOD in the loading bay area. These sensors shall be connected via independent electrical supplies and battery back-up systems;
- (d) signage has been installed in all lower ground floor rooms and corridors and at all entrances down to the lower ground floor to state that the lower ground floor is subject to flooding and that persons must comply with evacuation procedures; and
- (e) a Flood Management Plan has been produced. A copy of the Flood Management Plan shall be kept on site at all times and should be part of all staff's training process and updated when changes of personnel occur and exercised regularly, with records kept for inspection by statutory organisations. The Flood Management Plan shall include the following:
 - (i) triggers for the response;
 - (ii) clear roles and responsibilities for staff;
 - (iii) suitable contact numbers and sources of additional information for responding staff;
 - (iv) a clear set of actions for each phase of the response; and
 - (v) provision for regular updating of the document.

The above measures shall remain in place at all times that the hotel is occupied.

REASON: To mitigate flood risk, in accordance with Planning Policy Statement 25: Development and Flood Risk;

- (8) the hotel hereby permitted shall not be occupied unless and until demountable flood barriers have been suitably installed and tested in the locations shown on drawing no. BMW/1312/100 P4 to give a top crest level of 51.26mAOD in accordance with details that shall have been submitted to and approved in writing by the District Planning Authority. The barriers shall then be stored in a location that shall have been approved in writing by the District Planning Authority ready for deployment when required. The barriers shall be erected when a Flood Warning for the River Leam in Leamington is issued by the Environment Agency and shall be kept in place until and 'all clear' is provided by the Environment Agency Flood Warning Service.

REASON: To mitigate flood risk, in accordance with Planning Policy Statement 25: Development and Flood Risk;

PLANNING COMMITTEE MINUTES (Continued)

- (9) at all times that the hotel hereby permitted is occupied there shall be suitably trained staff on site who are able to activate the Flood Management Plan hereby approved. **REASON:** To mitigate flood risk, in accordance with Planning Policy Statement 25: Development and Flood Risk;
- (10) when a Flood Warning is issued for the River Leam in Leamington, the lower ground floor of the hotel shall be evacuated and closed off to all persons, as an immediate response. All other persons shall then be evacuated thereafter, before floor waters reach the main entrance of the building. If the back-up water sensors in the building area activated then all persons should be evacuated from the building immediately. Reoccupation of the building should only commence once an 'all clear' has been issued by the Environment Agency Flood Warning Service. **REASON:** To mitigate flood risk, in accordance with Planning Policy Statement 25: Development and Flood Risk;
- (11) the lower ground floor bedrooms shall only be occupied by single overnight short stay guests. No person shall occupy any of the bedrooms on the lower ground floor for more than 2 consecutive nights. **REASON:** To mitigate flood risk, in accordance with Planning Policy Statement 25: Development and Flood Risk;
- (12) the rating level of the noise emitted from plant located at the site shall not exceed the existing background noise level at any time by more than 3dB(A) at any noise sensitive residential property when measured and corrected in accordance with BS 4142: 1997. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;
- (13) no lighting shall be fixed to the external walls or roof of the building hereby permitted, without the prior written consent of the District Planning Authority. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (14) there shall be no arrival, departure, loading or unloading of commercial vehicles associated with the hotel hereby permitted between the hours of 2030 and 0700 on any day. **REASON:** To protect the amenities of surrounding properties,

PLANNING COMMITTEE MINUTES (Continued)

in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;

- (15) the hotel hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (16) 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;
- (17) all window frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;
- (18) a Travel Plan comprising the following details shall be submitted to and approved in writing by the District Planning Authority, in consultation with the Highway Authority, within 3 months of the date of the first occupation of the hotel hereby approved and should include the following:-
- (i) a target for the proportion of employees who will travel by means other than single car occupancy;
 - (ii) a strategy for achieving the target(s);
 - (iii) a management programme;
 - (iv) a process for monitoring the process towards achieving the target(s); and
 - (v) measures should targets not be achieved.
- Thereafter the use of the site shall operate in strict accordance with the approved Travel Plan, unless otherwise agreed in writing by the District Planning Authority, in consultation with the Highway Authority.
- REASON:** To satisfy the aims of PPG13 in reducing reliance on the use of private motor

PLANNING COMMITTEE MINUTES (Continued)

vehicles in order to promote sustainable transport choices to the site;

(19) the hotel hereby permitted shall not be occupied unless and until the bin storage area has been provided in strict accordance with the approved plans. The bin storage area shall be retained and kept available for the storage of refuse and recycling from the hotel at all times thereafter, unless agreed otherwise in writing by the District Planning Authority. **REASON:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

(20) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: BMW/1312/FRA/REV D, 22/07/2011, BWB Consulting) and the following mitigation measures detailed within the FRA:

1. Finished Floor Levels are set no lower than existing levels.
2. The perimeter of the building up to and including the finished floor level of greater than or equal to 50.66mAOD should be free of any gaps or holes and be completely sealed to the outside. This includes air bricks, doorways, windows, etc. The basement should be completely water resistant to the outside.
3. Flood-proofing measures detailed on page 9 and 10 in the proposed development including non-return valves on sewer connections.

REASON: To mitigate flood risk, in accordance with Planning Policy Statement 25: Development and Flood Risk.

70. W11/0497 LB – REGENCY ARCADE, 154-156 PARADE, LEAMINGTON SPA

The Committee considered an application from Whitbread PLC for alterations to the east, south and west elevations including new/replacement window openings, provision of external rooftop plant, signage zones and other internal and external works associated with a change of use to a hotel.

The application was presented to the Committee because it was recommended that the associated planning application (see previous item) be approved subject to the completion of a legal agreement.

The case officer considered the following policies to be relevant:

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

PLANNING COMMITTEE MINUTES (Continued)

DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

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

It was the case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property was situated. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation.

RESOLVED that W11/0497 LB be GRANTED, subject to the conditions listed below:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) SK01E, SK02G, SK03B, SK04B, SK05B, SK06A, SK07A, SK08, SK09, SK10, SK11A, SK12 and BMW/1312/100 P4, and specification contained therein, submitted on 12 April 2011, 13 May 2011, 17 May 2011, 27 June 2011, 26 July 2011 & 3 August 2011, unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), balconies and the bridge link at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** For the avoidance of doubt, and to ensure a high standard of design and appearance for this

PLANNING COMMITTEE MINUTES (Continued)

Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

- (4) no development shall be carried out on the site which is the subject of this permission, until details of the demountable flood barriers and the treatment of the walls of the atrium have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 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; and
- (6) all window frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

71. W11/0515 – AVON COURT RESIDENTIAL HOME, ALL SAINTS ROAD, WARWICK

The Committee considered an application from Mr S Moran for proposed extra care accommodation scheme, comprising 42 no. 2 bedroom apartments, communal areas and associated landscaping and parking.

The application was presented to the Committee because there was a need for a S106 Agreement on the application and there were also five objections.

The Committee had visited the site on Saturday 13 August 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the scheme should be supported as it not only complied with the relevant standards, but three-storey blocks of flats already existed on All Saints Road.

Ward Councillor Mrs Grainger spoke to the Committee in support of the application.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation, subject to a Section 106 Agreement and conditions, with additional conditions requesting the submission of details for the boundary treatments, and details seeking a revised location of the bin store further away from the boundary with the neighbouring bungalows to the north of the application site, and informatives to encourage a higher proportion than 10% of renewable energy given the size of the building, and to ensure the area for emergency service vehicles to turn and drop off is yellow hatched to avoid parking within this area.

RESOLVED that W11/0515 be GRANTED, after completion of S106 Agreement/Obligation to ensure that the units were retained as affordable accommodation in the long term, subject to the conditions listed below:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 10048/101D, /A116A, /A123B, /A124B, /A125B, /A126A, /A200B, /A201B, /A300, /A301 and /A302, and specification contained therein, submitted on 15th April 2011 unless first agreed otherwise in writing by the District Planning Authority.
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) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and

PLANNING COMMITTEE MINUTES (Continued)

approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **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) a landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON:** In the interests of fire safety;
- (6) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in

PLANNING COMMITTEE MINUTES (Continued)

strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications.

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

- (7) the proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011; and
- (8) the mitigation measures specified in the Bat Survey Report of 7th July 2011 shall be implemented in full before the development hereby approved is occupied. **REASON:** To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.

72. ADJOURNMENT OF MEETING

The Chairman adjourned the meeting of Tuesday 16 August 2011 to Wednesday 17 August 2011 at 6.00pm.

(The meeting was adjourned at 10.30pm)

RESUMPTION OF THE ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned meeting held on Wednesday 17 August 2011 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Illingworth (Chairman); Councillors Mrs Blacklock, Brookes, Copping, Ms Dean, Dhillon, Mrs Higgins, MacKay, Rhead and Weed.

73. W11/0179 – THE COMMONWEALTH CLUB, 3 CHURCH STREET, LEAMINGTON SPA

The Committee considered an application from Mr Dhesi for change of use of ground and first floors from offices to 3 residential units; alterations to convert an existing ancillary second floor flat into a self contained dwelling; demolition of an existing single storey rear extension; erection of a 2 storey rear extension; and alteration to rear parking layout.

PLANNING COMMITTEE MINUTES (Continued)

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

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
TCP10 - Protecting the Residential Role of Town Centres (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)

The case officer was of the opinion that the proposed development would not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and would preserve the character and appearance of the Conservation Area within which the property was situated. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and would be acceptable in terms of car parking and highway safety. The proposal was therefore considered to comply with the policies listed.

Members were mindful of the amount of work put in by Planning Officers to ensure that the development was of the correct style in order to retain the character of this important listed building.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the recommendation.

RESOLVED that W11/0179 be GRANTED subject to the conditions listed below:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.

PLANNING COMMITTEE MINUTES (Continued)

REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 767-06D, 767-09D, 767-10C & 767-11D, and specification contained therein, submitted on 9 June 2011 & 14 June 2011, unless first agreed otherwise in writing by the District Planning Authority.

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

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

REASON: For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

- (4) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications.

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

- (5) the cycle provision shown on the approved plans shall be completed before any of the dwellings hereby permitted are occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that there are adequate

PLANNING COMMITTEE MINUTES (Continued)

- cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (6) the proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (7) all hard surfaces hereby approved shall be made of porous materials. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan;
- (8) 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;
- (9) all window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;
- (10) all rainwater goods for the development hereby permitted shall be metal. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;
- (11) none of the dwellings hereby permitted shall be occupied unless and until the bin stores have been constructed in strict accordance with the approved plans. **REASON:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

74. W11/0180 LB – THE COMMONWEALTH CLUB, 3 CHURCH STREET, LEAMINGTON SPA

The Committee considered an application from Mr Dhesi for conversion, extension and alterations for a change of use of ground and first floors from offices to 3 residential units; alterations to convert an existing ancillary second floor flat into a self contained dwelling; demolition of an existing single storey rear extension; erection of a 2 storey rear extension; and internal alterations including the removal of walls and the installation of new walls.

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

The case officer considered the following policies to be relevant:

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

DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

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

It was the case officer's opinion that the proposed development would not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property was situated. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be approved in accordance with the recommendation.

RESOLVED that W11/0180 LB be GRANTED subject to the conditions listed below:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 767-06D, 767-09D, 767-10C & 767-11D, and specification contained therein, submitted on 9 June 2011 & 14 June 2011, unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in

PLANNING COMMITTEE MINUTES (Continued)

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

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

REASON: For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

- (4) 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;

- (5) all window and door frames shall be constructed in timber and shall be painted and not stained.

REASON: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011; and

- (6) all rainwater goods for the development hereby permitted shall be metal. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

75. W11/0274 – THE STUDIO, BARFORD ROAD, SHERBOURNE, WARWICK

The Committee considered an application from Mrs Johnston for a Lawful Development Certificate for existing use of a building as a dwelling.

The application was presented to the Committee because of the need to take enforcement action if members agreed to the recommendation on the application itself, which would normally be dealt with under delegated powers, and because a representation had been received from Barford, Sherbourne and Wasperton Joint Parish Council.

An addendum circulated at the meeting stated that the applicant had requested that the application be taken off the agenda, had challenged a number of points in the report and submitted further information. In

PLANNING COMMITTEE MINUTES (Continued)

response, it was recommended that the application be deferred to allow consideration of the issues raised by the applicant.

RESOLVED that the item be WITHDRAWN from the agenda to allow consideration of issues raised by the applicant following publication of the agenda.

76. W11/0585 – 22 COTEN END, WARWICK

The Committee considered an application from Alburn Retail Limited to extend the period for the submission of details of renewable energy provision to six months, and to limit the provision to the flats only on W10/0118.

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

The case officer considered the following policy to be relevant:

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

The Committee noted that two large units were already occupied and had established energy sources. The condition, as worded, required the developers to submit a scheme for all units including those already occupied but, since the retail units were occupied, it was the case officer's opinion that it was unreasonable to require the developers to now provide a proportion of the energy those units used from new (renewable) resources. It was considered, therefore, that this part of the proposal was acceptable. The limit of 3 months from the date of the appeal decision had already expired. In the present case it was considered that an extended period should be accepted so that a scheme could be submitted and approved for the flats, since refusal of the application, and the taking of enforcement action, might only further delay the provision of renewable energy sources. Notwithstanding the wording in the application, it was considered appropriate to require the details to be submitted by 30 November 2011. A period of 3 months for the design of the scheme was considered sufficient.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the recommendation, which included a variation to the applicant's suggested wording.

RESOLVED that W11/0585 be GRANTED as follows:

- (1) before 30th November 2011 a scheme, including details for the physical works on site and a timetable for the works to be undertaken, for a proportion of the energy supply of the 10 flats to be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007)) shall be submitted to the local planning authority. The approved details shall be implemented in

PLANNING COMMITTEE MINUTES (Continued)

accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

77. W11/0656 – BROOK FARM, STONELEIGH ROAD, COVENTRY

The Committee considered a part retrospective application from Mr Symonds for the erection of sheds and greenhouses (ancillary to use of land as private allotments).

The application was presented to the Committee because it was recommended that the application be granted, contrary to National and Local Plan policies.

The case officer considered the following policies to be relevant:

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

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

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

RAP9 - Farm Diversification (Warwick District Local Plan 1996 - 2011)

Planning Policy Guidance 2 : Green Belts

Planning Policy Statement 4 : Planning for Sustainable Economic Growth

It was the case officer's opinion that although the development was a departure from national and local plan policy, the continued agricultural use of the land would provide wider economic and social benefits that would outweigh the harm of the small scale structures on the openness of the Green Belt.

Some members were concerned about the recommendation being contrary to National and Local Plan policies and were of the opinion that there should not be any contravention of this even if it the proposed development was of an agricultural capacity. Members were also mindful however that this was a part retrospective application.

The Chairman highlighted that the area of hardstanding seemed to be expanding and officers agreed that this issue would be passed to the relevant officers for further investigation.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the recommendation.

RESOLVED that W11/0656 be GRANTED, subject to the conditions listed below:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as

PLANNING COMMITTEE MINUTES (Continued)

amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing A002, 412/01, 412/02 & A001 and specification contained therein, submitted on 19th May and 16th June 2011 unless first agreed otherwise in writing by the District Planning Authority. **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.

78. W11/0709 – 1 THE FAIRWAYS, LEAMINGTON SPA

The Committee considered an application from Mrs T Martin for the erection of single and two storey extensions to front, sides and rear.

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

An addendum circulated at the meeting contained further comments submitted by the applicant in response to objections.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the case officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that the application should be granted in accordance with the recommendation.

RESOLVED that W11/0709 be GRANTED, subject to the conditions listed below:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as

PLANNING COMMITTEE MINUTES (Continued)

amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 29/3/11-02D, and specification contained therein, submitted on 12 July 2011, unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and
- (4) 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.

(The meeting ended at 7.10 pm)