Planning Committee

Minutes of the meeting held on Tuesday 11 November 2014 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Apologies for absence were received from Councillor Williams.

104. **Substitutes**

There were no substitutes.

105. **Declarations of Interest**

Minute Number 108 – W14/1076 – Land between Myton Road, and Europa Way, Warwick

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

Minute Number 109 – W14/1267 – Newbold Centre, Leicester Street, Royal Leamington Spa

Councillor Weber declared an interest because the application site was in his Ward. He had also been in email discussion with residents concerning this application but he stated that he retained an open mind.

Councillor Wilkinson declared an interest because he had friends living in the area and one of the objectors who had made a written objection was known to him.

Minute Number 110 – W14/1132 – Sydenham Industrial Estate, Sydenham Drive and St Mary's Road, Royal Leamington Spa

Councillor Wilkinson declared an interest because the developers were known to him and had contacted him, but he stated that he could approach the application with an open mind.

Minute Number 111 – W14/1293 – Land at Foxes Study, Warwick Castle, Warwick

Councillor Mrs Bromley declared an interest because the application site was in her Ward and made a public statement that officers had made an incorrect allegation that she had said that she was opposed to the proposals at a presentation in respect of the Castle back in July. At no time had she voiced such an opinion and she had come to the meeting with an open mind and did not consider herself to be pre-determined.

Minute Number 116 – W14/1453 – 134 Warwick Road, Kenilworth

Councillor Mrs Bunker declared that she was predetermined, having proposed refusal of the application at a previous meeting, and would not take part in the debate or vote on the proposals.

106. **Site Visits**

To assist with decision making, Councillors Boad, Mrs Bromley, Mrs Bunker, Doody, Rhead, Weber and Wilkinson visited the following application sites on Saturday 8 November 2014:

W14/1076 – Land between Myton Road and Europa Way, Warwick;
W14/1267 – Newbold Centre, Leicester Street, Royal Leamington Spa;
W14/1132 – Sydenham Industrial Estate, Sydenham Drive and St Mary's Road, Royal Leamington Spa;
W14/1138 – St Nicholas Park, Banbury Road, Warwick;
W14/1054 – Woodside Farm, Harbury Lane, Bishop's Tachbrook; and
W14/1293 – Land at Foxes Study, Warwick Castle, Warwick

Councillor Brookes visited:

W14/1267 – Newbold Centre, Leicester Street, Royal Leamington Spa; and
W14/1132 – Sydenham Industrial Estate, Sydenham Drive and St Mary's Road, Royal Leamington Spa;

107. **Minutes**

The minutes of the meeting held on 14 October 2014 were agreed and signed by the Chairman as a correct record.

108. **W14/1076 – Land between Myton Road, and Europa Way, Warwick**

The Committee considered an application from the Europa Way Consortium for the construction of up to 735 dwellings; a mixed-use neighbourhood centre to include retail development (Use Classes A1, A2, A3 & A4) and/or community and health uses (Use Class D1); safeguarding of land for education use; provision of formal and informal open spaces including sports and recreation provision, children's and youth play areas and allotments/orchards; strategic landscaping and drainage works including surface water attenuation ponds as part of a sustainable urban drainage system; provision of two vehicular accesses, one off Europa Way and one off Saumur Way; car parking; creation of new footpaths and cycleways and their connection to adjoining networks; ground remodelling; undergrounding of overhead powerlines including a new pylon to link to off-site overhead lines; formation of ponds as an ecological mitigation measure to accommodate the translocation of great crested newts.

The application was presented to the Committee because of the number of objections received from local residents and because of objections that had been received Royal Leamington Spa Town Council and Bishop's Tachbrook Parish Council.

The officer considered the following policies to be relevant:

DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
Warwickshire Landscape Guidelines SPG
Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
National Planning Policy Framework
RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Open Space (Supplementary Planning Document - June 2009)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Affordable Housing (Supplementary Planning Document - January 2008)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP5 - Density (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, DS12, DS13, DS14, DS15, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW1, FW2, FW3, FW4, HE2, HE6, NE1, NE2, NE3, NE4, NE5, W1, DM1 & DM2.

An addendum circulated at the meeting informed Members that a further objection had been received, reiterating concerns that had been made previously and summarised in the Committee Report. It also stated that the reference to the five year housing land supply in the first section of the report had been amended slightly to provide more clarity. Two additional conditions were also recommended to be added should planning permission be granted.

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

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

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

Drawing these matters together, it was not considered that the adverse impacts on the landscape and rural area significantly and demonstrably outweighed the benefits of the development. The development was considered to comply with all current Local Plan policies aside from RAP1 and DAP2, which the NPPF advised could not carry any weight. Furthermore, the development was considered to comply with the policies of the NPPF, taken as a whole. The presumption in favour of sustainable development carried substantial weight, as did the contribution the development would make to the provision of housing to meet the needs of the District. The allocation of this site for housing in the Draft Local Plan also carried some weight. In addition, this scheme was of particular importance for the wider area because it provided land to meet the needs

for enhanced secondary education provision to serve the whole Southern Development Area. It was, therefore, concluded that planning permission should be granted.

The following people addressed the Committee:

Councillor Holland from Warwick Town Council, Mr MacKay representing the Conservation Advisory Forum and Mr Batt all spoke in objection to the application. Mr Edwards spoke in support of the application, followed by Ward Councillor Mrs Mellor who spoke against the application. Prior to making her address to the Committee, Councillor Mrs Mellor asked for confirmation on whether Councillors who had voted on the draft Local Plan were pre-determined, and was informed that they were not pre-determined if they approached the application with an open mind.

The Chairman, realising that the Emergency Procedure had not been referred to at the start of the meeting when it was displayed on the projector screen, read the procedure out.

A motion to refuse the application was defeated. It was felt that if this application was refused, then by implication, the Committee would be rejecting part of the Local Plan. The Committee agreed the additional conditions in the addendum, plus additional conditions relating to:

- rainwater harvesting;
- a dedicated cycle path along the spine road that connected with the cycle network in Saumur Road; and
- a pathway and cycle route link to the Retail Park.

Additionally, the Committee requested an informative be stated in the information to the applicant which would request a reduction in the height of some of the buildings north of the spine road so that they would be less than three storeys high.

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

Resolved that W14/1076 be **granted** subject to conditions and subject to the completion of a satisfactory Section 106 agreement. Should a satisfactory Section 106 agreement not be completed by 28 November 2014, the Head of Development Services has delegated authority to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

Conditions:

(1) this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall

be required to the undermentioned matters hereby reserved before any development is commenced:-

(a) layout
(b) scale
(c) appearance
(d) landscaping

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

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

(3) the development to which this permission relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

(4) the development hereby permitted shall be carried out substantially in accordance with the details described in the Design and Access Statement and as shown on the parameter plans 26855-LEA282a and 26855-LEA283a, and specification contained therein, submitted on 27 October 2014. For the avoidance of doubt, drawing nos. 26855-LEA202e (indicative masterplan) and 26855-LEA206b (strategic masterplan) have been considered as being for illustrative purposes only and therefore are not approved. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011. The application is in outline with all matters (save access) reserved and the local planning authority wishes to ensure that those details that have not yet been submitted are appropriate for the locality in terms of visual and residential amenity and reflect the scale and nature of the development assessed in the submitted Environmental Statement;

(5) no more than 140 dwellings shall be occupied unless and until the access to Europa Way has

been constructed in strict accordance with drawing no. 26855-L133e, submitted on 3 November 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011;

(6) the vehicular access from Saumur Way shall be constructed in strict accordance with drawing no. 26855-LEA187a, submitted on 17 July 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011;

(7) no reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Design Code for the approved development. This Design Code shall be in accordance with the principles and parameters as set out within the Design and Access Statement, the plans listed in condition 4 above and the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012" (and any subsequent revision and/or approved plans/strategy available at the time).

The Design Code shall include the following matters:

- a hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas);
- development blocks including built form and massing and relationship with adjoining development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);
- building types;
- building heights;
- the means to accommodate the parking of vehicles and cycles;
- sustainable Urban Drainage features;
- key spaces, open spaces and green features;
- architectural language and detailing;
- design principles for street tree planting

and other structural landscaped areas;
- design principles for hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management;
- design principles for waste disposal and recycling;
- design principles for the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures;
- design principles for street lighting and any other lighting to public space (including parking areas);
- a regulating plan on an ordnance survey base at a scale no greater than 1:1250; and
- a mechanism for periodic review and refinement if necessary of the approved Design Code.

All reserved matters applications shall accord with the approved Design Code.

Reason: In the interests of good urban design and a comprehensively planned development in accordance with the NPPF, Policies DP1, DP14 & DP15 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014);

(8) no reserved matters application shall be submitted until a Site-wide Masterplan has been submitted to and approved in writing by the local planning authority. The Site-wide Masterplan shall be in accordance with all of the following:

- the approved Design & Access Statement and parameters plans listed in condition 4;
- the principles set out in the Council's guidance entitled "Garden Towns, Villages and Suburbs: A Prospectus for Warwick District Council, May 2012"; and
- the Site-wide Design Code to be approved under condition 7.

The Site-wide Master Plan shall include the following:

- illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban

and rural context;

- landform topography as existing and proposed;
- a land use plan and character areas (including densities and building heights);
- movement corridors within the site (including principal roads, public transport corridors, footpaths, cycleways and green corridors) including a demonstration of how these relate to existing movement networks in the wider area;
- location of any areas for off-street car parking courts;
- key infrastructure (including SUDs, significant utility provision, schools, district/local centres);
- landscape corridors and open space networks;
- public open space;
- housing mix including tenure and size of dwelling;
- location of affordable housing;
- street tree planting and other structural landscape areas;
- hard and soft landscaping treatments;
- street lighting arrangements and any other lighting to public space;
- a phasing plan including triggers for delivery of key elements of supporting infrastructure; and
- a statement explaining how the development proposals accord with the principles set out in the Site-wide Design Code.

Reason: In the interests of good urban design and a comprehensively planned development in accordance with the NPPF, Policies DP1, DP14 & DP15 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014);

(9) no development shall commence until a construction phasing plan has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the phases established in this approved phasing plan. **Reason:** To ensure the proper phasing of the development;

(10) no phase of development shall commence under any reserved matters consent until a detailed lighting scheme for that phase has

been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

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

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

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

(11) no development shall take place until a Protected Species Contingency Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include:

(a) a schedule of badger mitigation measures to include details of matters such as artificial sett creation, provision of sufficient foraging habitat on site and provision of ecological corridors facilitating movement between areas;

(b) a schedule of bat mitigation measures, to include up-to-date bat activity surveys and proposals for either the retention and protection of existing bat roosts or the provision of replacement bat roosts; and

(c) a schedule of great crested newt mitigation measures, to include further survey work if

necessary and proposals for either the retention and protection of the great crested newt habitats or provision of appropriate replacement habitats.

The Protected Species Contingency Plan shall include timescales for the works and proposals for on-going monitoring. The approved Protected Species Contingency Plan shall be implemented in strict accordance with the approved details and timescales.

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

(12) the development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the local planning authority expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DAP3 of the Warwick District Local Plan;

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

(14) no development shall take place until a scheme

for the provision and management of the river corridor and a minimum 8m buffer zone alongside Myton Brook has been submitted to and approved in writing by the local planning authority. The scheme shall include plans showing the extent and layout of the buffer zone, the design and location of any bridges over the river, a tree planting scheme for this zone and details of any footpaths, fencing or lighting within the zone. The scheme shall thereafter be implemented in strict accordance with the approved details and the buffer zone shall be protected in accordance with the scheme at all times thereafter. **Reason:** To ensure the protection of wildlife and supporting habitat and to secure opportunities for the enhancement of the nature conservation value of the site, in accordance with Local Plan Policy DP3;

(15) no phase of development shall take place under any reserved matters consent until a scheme for that phase showing how 10% of the predicted energy requirement of the phase will be produced on or near to the site from renewable energy resources has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

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

(17) notwithstanding the details indicated on the

Draft Tree Retention and Removal Plan submitted with the application, no phase of development shall commence on any reserved matters consent until a Final Tree Retention and Removal Plan identifying existing trees, shrubs and hedgerows to be retained has been submitted to and approved in writing by the local planning authority. The existing trees, shrubs and hedgerows shown to be retained on this plan shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any trees, shrubs or hedgerows removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with trees, shrubs or hedgerows of such size and species details of which must be submitted to and approved by the local planning authority. All trees, shrubs and hedgerows shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

(18) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials

have been removed. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

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

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

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

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

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

(2) All development of the site shall accord with the approved method statement.

(3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless an addendum to the method statement, detailing how the unsuspected contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority). This addendum to the method statement must detail how this unsuspected contamination shall be deal with.

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

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

(20) no phase of development shall commence under any reserved matters consent until a scheme for that phase detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter.
Reason: To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(21) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to

and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: a construction phasing plan; the anticipated movements of vehicles; the routing of delivery vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

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

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

(24) prior to the submission of any Reserved Matters applications for any phase of development:

(a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work across this site shall be submitted to and approved in writing by the local planning authority;

(b) the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI shall be undertaken;

(c) a report detailing the results of this fieldwork shall be submitted to and approved in writing by the local planning authority; and

(d) an Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development. Dependent upon the results of the trial trenching, this may include further archaeological fieldwork and/or the preservation in situ of any archaeological deposits worthy of conservation.

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

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

(25) the development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.
Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance

with Policy DP11 of the Warwick District Local Plan 1996-2011;

(26) no phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning authority demonstrating that surface water runoff does not exceed runoff from the undeveloped site and does not increase the risk of flooding off-site. The scheme shall include the following:

- proposals to limit post-development runoff volumes and peak flow rates to the Greenfield discharge rate for all rainfall return periods up to and including a 1 in 100 year plus 30% (for climate change) event;
- attenuation designed to accommodate a 1 in 100 year plus 30% (for climate change) event;
- further detail on the implementation of SUDS;
- proposals to alleviate existing flooding problems affecting Myton School and dwellings in The Malins and Myton Gardens; and
- a demonstration that there will be no above ground flooding up to and including the 1 in 30 year rainfall event.

The approved drainage systems shall thereafter be installed in strict accordance with the approved details and timescales. The approved drainage systems shall be retained at all times thereafter and shall be managed and maintained in strict accordance with the approved details.
Reason: To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;

(27) no development shall commence until a scheme for the restoration of Myton Brook has been submitted to and approved in writing by the local planning authority. This shall include further hydraulic modelling to test the effectiveness of this restoration in reducing downstream flood risk. This shall also include details of timescales for the completion of

these works. The restoration of Myton Brook shall thereafter be completed in strict accordance with the approved details and timescales. **Reason:** To reduce flood risk, in accordance with the NPPF;

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

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

(30) an area of land measuring no less than 0.28 hectare shall be reserved for a neighbourhood centre to provide 500 sq m of A1, A2, A3, A4 and / or D1 floorspace. This area of land shall be in the location identified on drawing no. 26855-LEA282a. Any reserved matters proposals for development on this land must include at least 500 sq m of A1, A2, A3, A4 and / or D1 floorspace and associated off-street parking facilities. **Reason:** To ensure

that supporting facilities are provided as part of this residential development, in the interests of creating a sustainable development, in accordance with the NPPF;

(31) none of the commercial units hereby permitted shall be used for purposes falling within Use Classes A3 or A4 unless:

(a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;
(b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and
(c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.

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

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

(32) noise arising from any plant or equipment installed at any of the commercial units hereby permitted (i.e. any unit falling within Use Classes A1, A2, A3, A4 or D1), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(33) the development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment by AMEC dated July 2014 and submitted on 17 July 2014, and the proposed flood mitigation measures contained therein. **Reason:** To reduce flood risk, in accordance with the NPPF;

(34) for a period of 18 months from the date of the first occupation of any of the dwellings hereby permitted, no more than 140 dwellings shall be accessed via the proposed vehicular access off Saumur Way. At all times after 18 months following the first occupation of any of the dwellings hereby permitted, no more than 70 dwellings shall be accessed via the proposed vehicular access off Saumur Way. **Reason:** In order to protect the living conditions of the existing dwellings along Saumur Way, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;

(35) within two years of the first occupation of any of the dwellings hereby permitted, design and construction details of the main spine road through the development (annotated) as "Principal Vehicle Route" on drawing no. 26855-LEA82a), together with a safeguarded access into Myton School shall be permitted to and approved in writing by the local planning authority;

(36) within five years of the first occupation of any of the dwellings or 65% occupation of the dwellings, whichever is the sooner, the spine road shall be completed in strict accordance with the approved details to provide a continuous unrestricted vehicular, cycle and pedestrian link from the site access on Europa Way through to the spine road to be constructed on the adjacent site to the south (identified as "Land North of Gallows Hill" on planning application no. W14/0967); and

(37) Conditions relating to (1) rainwater harvesting and rainwater system; (2) a dedicated cycle path along the spine road that connects with the cycle network in Saumur Road; and (3) a pathway and cycle route link to the Retail Park. Wording of these three conditions to be determined by Planning Officers.

109. **W14/1267 – Newbold Centre, Leicester Street, Royal Leamington Spa**

The Committee considered an application from Waterloo Housing Group for the demolition of the existing building and the erection of 31 dwellings.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

Warwick District Local Plan 1996-2011

SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
DP5 - Density (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)

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

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Supplementary Planning Documents & Supplementary Planning Guidance

Sustainable Buildings (Supplementary Planning Document - December 2008)
Distance Separation (Supplementary Planning Guidance)
The 45 Degree Guideline (Supplementary Planning Guidance)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Open Space (Supplementary Planning Document - June 2009)
Affordable Housing (Supplementary Planning Document - January 2008)

An addendum circulated at the meeting informed Members that a further objection had been received, raising issues similar to those listed in the "Summary of Representations" section of the Committee Report as well as

a further issue relating to the location of the bridge, suggesting that this should be where there was already a break in the wall. It also informed Members that the report from the Council's viability consultants had now been received and confirmed that the provision of any Section 106 contributions would render the scheme unviable.

It was the officer's opinion that the applicant had submitted evidence to demonstrate compliance with Local Plan Policy SC8 in terms of the loss of this community facility. The development that was proposed would have an acceptable impact on the living conditions of neighbouring dwellings. The design and layout of the development was considered to be in keeping with the character and appearance of the area and would preserve the setting of the adjacent Conservation Area. The proposals were considered to be acceptable in terms of car parking and highway safety. The limited harm arising from the loss of trees was outweighed by the benefits associated with the provision of affordable housing. Finally, the proposals would have an acceptable ecological impact. Therefore, it was recommended that planning permission was granted.

The following people addressed the Committee:

Ward Councillor Ms Dean who spoke in objection to the application.

A motion to grant the application was defeated. Members were concerned that the four storey residential block would not have a positive impact on the street scene.

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

> **Resolved** that W14/1267 be **refused** because the layout and design (with particular reference to the block of flats) was out of context to the area – Planning Policy DP1.

The meeting was adjourned for a 10 minute comfort break and re-convened at 8.20pm.

110. **W14/1132 – Sydenham Industrial Estate, Sydenham Drive and St Mary's Road, Royal Leamington Spa**

The Committee considered an application from Orbit Group Limited & CHS Developments Limited for the erection of 88 no. affordable and 55 no. low cost market dwellings (Use Class C3) served by vehicular access from St Mary's Road and Ramsey Road; associated car parking; landscaping; open space; and other ancillary and enabling works. This was a resubmission of planning application W14/0446.

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

The officer considered the following policies to be relevant:

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

SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS8, DS10, DS11, DS17, EC3, HO, H1, H2, H4, SC0, BE1, BE3, TR1, TR2, TR4, HS1, HS4, HS6, HS7, CC1, CC3, FW2, FW3, FW4, HE2, NE1, NE2, NE3, NE5, NE7, DM1 & DM2.
DP5 - Density (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Distance Separation (Supplementary Planning Guidance)
The 45 Degree Guideline (Supplementary Planning Guidance)
Vehicle Parking Standards (Supplementary Planning Document)
Open Space (Supplementary Planning Document - June 2009)
Affordable Housing (Supplementary Planning Document - January 2008)
Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

An addendum circulated at the meeting advised Members of further comments that had been received from the Conservation Advisory Forum and some supporting comments from the applicants. Additionally, a revised accommodation plan had been submitted (2894-25V) to correct a typing error on the previous version of this plan.

It was the officer's opinion that the redevelopment of this part of the industrial estate for residential purposes was considered to be acceptable in principle, in accordance with the 2013 Employment Land Review and the Draft Local Plan. The proposals would have an acceptable impact on the

living conditions of neighbouring dwellings and on the character and appearance of the area and the setting of the nearby Conservation Area. Any concerns about the living environment for future occupants of the proposed dwellings or the impact on existing businesses adjacent to the site were outweighed by the significant benefits associated with the provision of a substantial amount of affordable housing. The restrictions on occupying some of the dwellings would also provide some assistance with this issue in the short term. The benefits of the scheme also outweighed any concerns about the under-provision of public open space. The proposed layout showed an appropriate spread and mix of affordable and market housing and it had been demonstrated that the provision of any form of Section 106 contributions would render the scheme unviable. The proposals were considered to be acceptable in terms of car parking, highway safety, ecological impact and in terms of the impact on trees. Finally, a refusal of planning permission could not be justified on the grounds of the relocation of existing short term tenants from the application site. Therefore, it was recommended that planning permission was granted.

The following people addressed the Committee:

Mrs Wilkinson, Director of Bellagio Stone, who spoke against the application because of the impact the development would have on her business. Mr Holt from Orbit and Mrs Ventham from Barton Wilmore then addressed the Committee in support of the application, followed by Ward Councillor Weed who spoke against the application.

The Chairman invited the Council's Environmental Health Officer to make a statement to the Committee and he informed them that the development did meet British Standards in respect of noise and that it was his opinion that there were insufficient grounds to object to the application on these grounds. A number of noise assessments in excess of the standard requirements had been carried out to best capture worst case scenarios because there had been concerns about the affect Bellagio Stone's business would have on the occupants of the new houses, including should Bellagio Stone ever operate 24/7. Whilst there was no guarantee the new residents would not complain about the noise, he could confirm that British Standards in respect of noise levels had been met.

Councillors were very concerned on the effect the new development could have on Bellagio Stone. The standards that were currently set for noise could change and then, would put the business at risk of having to find an alternative address and this business might face the costs of this. The uncertainty would mean that the business might be reluctant to spend money on possible expansion.

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

Resolved that W14/1132 be **refused** because it was contrary to development plan policies DP1 – design and layout; DP2 – amenity; DP6 – design and access; SC2 – protect business; and due to lack of infrastructure provision.

111. **W14/1293 – Land at Foxes Study, Warwick Castle, Warwick**

The Committee considered an application from Merlin Attractions Operations Limited for a hybrid planning application in two parts:

Part i: Outline application with all matters reserved except for siting for up to 12 permanent semi-detached lodges: up to five permanent tree houses: and associated infrastructure works.
Part ii: Full planning application for erection of eight permanent semi-detached lodges providing visitor accommodation, associated infrastructure works (including drainage) an ancillary facilities building, a sub-station, boardwalks, re-alignment of the existing perimeter footpath, widening of the existing internal access road, lighting and landscaping works and the siting of 41 seasonal glamping tents including associated seasonal support facilities including a banqueting tent, showers and toilets.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan
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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
RAP15 - Camping and Caravanning Sites (Warwick District Local Plan 1996 - 2011)
RAP16 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)

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

BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CT1 - Directing New Tourism, Leisure and Cultural Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CT2 - Directing New or Extended Visitor Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
CT4 - Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
CT6 - Camping and Caravan Sites (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
CT7 - Warwick Castle and Warwick Racecourse/St Mary's Lands (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

An addendum circulated at the meeting advised Members of further objections received from the Warwick Society, and comments from Councillor Mrs Higgins and Councillor Mrs Grainger in support of the application. The addendum advised that in addition to these, a further three letters of support had been received and 19 objecting. There was also advice from Planning officers to amend certain planning conditions if permission was granted.

It was the officer's opinion that the proposed development was acceptable in principle and did not adversely affect the historic integrity, character or setting of the listed building or the registered park and garden. The detailed part of the permission provided an acceptable standard of design and preserved the character and appearance of the Conservation Area and did not adversely affect the amenity of nearby residents. The proposal was, therefore, considered to comply with the policies listed.

The following people addressed the Committee:

Councillor Holland from Warwick Town Council who informed Members that the Town Council had voted 5:1 against the proposals, Mr MacKay from the Conservation Area Forum and Mrs Crampton (a Warwick resident) and Dr Highland (a Warwick Tree Warden) all addressed the Committee against the proposals. Mrs Butcher from the Warwick Chamber of Trade and Mr Spooner representing Warwick Castle both spoke in support of the application, followed by Councillor Cross, a District Councillor, who also spoke in support. Councillor Holland interrupted the meeting to point out that Councillor Cross was not the Ward Councillor.

There was some debate on whether the Castle brought business to the town centre with views stated in both directions, but the main concern was that the proposals within the Castle grounds on a Grade 1 listed registered park would cause substantial harm due to their scale and nature. That substantial harm could not be outweighed by the public benefits arising from the proposed development. Members supported the views stated by CPRE.

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

Resolved that W14/1293 be **refused** on conservation grounds and substantial harm that is not outweighed by the public benefits of the application (NPPF 132 and 133). It is a Grade 1 listed site.

112. **W14/1054 – Woodside Farm, Harbury Lane, Bishop's Tachbrook**

The Committee considered a reserved matters application from Persimmon Homes South Midlands for the layout, scale and appearance of 46 dwelling houses and associated landscaping under Phase 1 of the Woodside Farm Development granted under outline planning permission W13/1207.

The application was presented to the Committee because it was considered appropriate that this particular application be determined in this manner.

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

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)
DP5 - Density (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (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)
RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H4 - Securing a Mix or Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick

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

Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)
Open Space (Supplementary Planning Document - June 2009)
Vehicle Parking Standards (Supplementary Planning Document)
Warwickshire Landscape Guidelines SPG
Sustainable Buildings (Supplementary Planning Document - December 2008)
Affordable Housing (Supplementary Planning Document - January 2008)
Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

It was the officer's opinion that the proposals were considered to provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwelling house and layout design solutions, including public open space, relevant to this particular phase of the development. The scheme, therefore, complied with the policies listed.

Following consideration of the report and presentation, the Committee determined the application could be granted subject to the conditions stated in the report plus an additional condition for rain harvesting and a rainwater system.

Resolved that W14/1054 be **granted** subject to the following conditions:

(1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) P-1-01 (co) Rev B, Drg No.27 Rev D, Drg No.28 Rev D, AAH5230-20 REV A, , P-06, P-07, P-09, P-13, P-13, P-13-1, P-13-2, P-13-3, P-16, AAH5230-03 REV B, AAH5230-19, AAH5230-18 REV A, AAH5230-17 REV A, AAH5230-07 REV C, AAH5230-04 REV C, AAH5230-05 REV C, AAH5230-15 REV C and specification contained therein, submitted on 11/07/14, 13/10/14, 30/10/14 and 03/11/14, except as required by condition 2. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(2) the development shall be carried out only in full accordance with sample details of the

facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

(3) the development shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011;

(4) the landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of each phase of the development 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; and

(5) a condition relating to rainwater harvesting and rainwater system - wording of this condition to be determined by Planning Officers.

(The Chairman adjourned the meeting at 10.45 pm)

Resumption of the adjourned Planning Committee meeting held on Wednesday 12 November 2014 in the Town Hall, Royal Leamington Spa at 6.08 pm.

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

Apologies for absence were received from Councillors Brookes, MacKay and Williams.

Declarations of interest had been submitted at the beginning of the meeting held on Tuesday 11 November, however, they were repeated for the benefit of the public present at the reserve night.

113. **W14/1263 – Folly Barn, Kites Nest Lane, Beausale**

This item was withdrawn prior to the meeting and would be dealt with under delegated powers.

114. **W14/1138 – St Nicholas Park, Banbury Road, Warwick**

The Committee considered an application from 2nd Warwick Sea Scouts for the demolition of the existing headquarters building and the erection of a replacement headquarters building with additional boathouse, boat yard and slipway.

The application was presented to Committee because Warwick District Council had an interest in the land and because an objection had been received from Warwick Town Council.

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

The Current Local Plan

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)
DAP8 - Protection of Conservation Areas (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)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS1 - Protecting Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

National Planning Policy Framework
Sustainable Buildings (Supplementary Planning Document - December 2008)

An addendum was circulated at the meeting which detailed further public responses, comments from the Conservation Advisory Forum and the Warwickshire Garden Trust.

It was the officer's opinion that the location of the new headquarters building would not have a detrimental impact on the character and appearance of the park or the Conservation Area due to being read against the existing leisure centre. The proposed new boat house and boat yard was located within the area of the existing headquarters building and therefore would not have any additional harm on the neighbouring properties. Furthermore, it was considered that with the relocation of the headquarters towards the north side of the park, the existing parking issues would be significantly reduced. The proposals were, therefore, in accordance with the aforementioned policies.

The following people addressed the Committee:

Mrs Warburton, a local resident, in objection; Mr Pitchford, the applicant and Councillor Mrs Bromley, Ward Councillor, in objection to the application.

Having addressed Members, Councillor Mrs Bromley left the room for the remainder of the debate.

Members applauded the work undertaken by the 2nd Warwick Sea Scouts and were pleased that the existing storage area would be returned to its original state.

The Committee had some concerns about the removal of the skate park, the screening of the security fencing and the problems associated with car parking, especially along Pickard Street.

Mr Pitchford was asked by the Chairman to clarify the reasons for having to use the Pickard Street entrance. He assured that the group recognised local concerns and he explained the different times such as when the scouts would go on camp and how emergency vehicles may need to access that area if necessary. Mr Pitchford also confirmed that by moving the main headquarters building, the group would start and end its meetings there and the most accessible car park for parents to collect their children was the main public car park.

The Members were assured that officers were working closely with each other with regard to the relocation of the skate park and this was also interwoven with the work coming forward as part of the Leisure Centre proposals.

With regard to the landscaping and screening of the new buildings and storage areas, Members agreed that an informative could be added to request that the details be finalised in consultation with the Chairman of Planning Committee.

An additional condition was also agreed to request that the Sea Scouts produced a management plan, outlining how they were planning on managing the parking issues.

The Chairman requested that conditions 3 and 9 of the report be strengthened by amending the wording to read "no development shall proceed until".

Resolved that W14/1138 be **granted** subject to the following conditions:

(1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings [nos. 22013-1401-201B; 2013-1401-202 B; 2013-1401-203 A; 2013-1401-204 A; 2013-1401-205 A; 2013-1401-206; 2013-1401-211 D; 2013-1401-212 B; 2013-1401-213 A; 2013-1401-214] submitted 22nd August 2014 and the Protected Species Survey by Philip Irving dated June 2014 submitted on 28th July 2014, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1

and DP2 of the Warwick District Local Plan 1996-2011;

(3) no development shall proceed until details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed security fencing to be erected, specifying the colour of the railings and gates; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the either the proposed headquarters or boat house and boat yard hereby permitted; and all planting including the replacement tree planting as stated within the Arboricultural inspection and report dated 21st May 2014 shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2, DP3 and DP11 of the Warwick District Local Plan 1996-2011;

(4) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in

Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(5) the development hereby permitted shall not commence unless and until two weeks' notice in writing of the start of works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be complete in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To safeguard the presence and population of a protected species in line

with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

(6) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

(7) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason**: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(8) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-

balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

(9) no development (including any works of demolition) shall proceed until a construction and demolition method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: any temporary measures required to manage traffic during construction; measures to control noise and light nuisance; the parking of vehicles of site operatives and visitors and details of the turning within the site during construction; dust suppression; demolition or clearance works; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011; and

(10) the 2nd Warwick Sea Scouts will provide a management plan, outlining how they will manage the parking issues.

Councillor Boad arrived during the course of the objector's speech and did not take any part in the discussions or vote on the proposal.

115. W14/1198 – 2 Gerrard Street, Warwick

The Committee considered an application from Mr and Mrs Middlebrook for the erection of two, three bed dwellings with associated car parking and external works after demolition of part of an existing boundary wall, fronting Gerrard Street.

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

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

The Current Local Plan

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
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)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Vehicle Parking Standards (Supplementary Planning Document)
Distance Separation (Supplementary Planning Guidance)
Open Space (Supplementary Planning Document - June 2009)
Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework

An addendum was circulated at the meeting which detailed a comment from the Conservation Advisory Forum.

It was the officer's opinion that the main issues relevant to the consideration of the application were the principle of the development, the impact on the character and appearance of the Conservation Area, the impact on neighbouring properties, the impact on highway safety & parking, renewables and health and wellbeing.

With regard to the principle of the development, policy UAP1 of the Warwick District Local Plan 1996-2011 stated that residential development would be permitted on previously developed land and buildings within the confines of the urban areas. The proposal accorded with this and was acceptable in principle.

It was considered, taking into account the previous permissions which granted permission for a large detached dwelling on a similar footprint and the partial removal of a section of the existing wall, that the current proposals would not have a detrimental impact on the setting and appearance of the Conservation Area and the neighbouring listed buildings. It was also noted that the Conservation Officer had not objected to the proposal.

Due to the application not having a greater footprint or height than the previous approval, it was considered that the proposal would not have an unacceptable harm on the living conditions of the neighbouring properties.

With regard to parking, the Highway Authority initially objected, however, the proposal had been amended to provide a widened access and a parking layout that accorded with the criteria stated above. The objection had been withdrawn and the proposal was considered acceptable.

Finally, the Sustainable Building Statement submitted with the application stated that the properties would be installed with air source heat pumps and they would be located on the roof of the dwellings on a flat section of roof between two ridges. No details had been submitted, however, this could be controlled by a suitably worded condition.

Having taken the main issues into account, the proposal was considered to accord with the policies listed and was acceptable.

The following people addressed the Committee:

Ms Smith, a local resident, in objection to the application; and Mr Mackay, representing the views of the Conservation Advisory Forum, in objection.

The Committee agreed that a site visit could have proved useful and were concerned at the loss of views, highlighted by the objector. However,

Members were reminded that the permission approved in 2008 had been for a building of a similar scale and mass and, although the permission had lapsed, it was still a material consideration.

However, Members felt that two dwellings was overdevelopment of the site and the design and layout was incongruous with the other buildings on the street. The removal of the wall was also discussed along with the proposed parking arrangements which Members felt were too tight and would be difficult to manoeuvre in and out of.

Members agreed that this was a sensitive area of Warwick especially being in the vicinity of medieval buildings and Warwick Castle.

It was therefore proposed, and duly seconded, that the application be refused because it was contrary to policy DP1, it was felt that two dwellings was overdevelopment of the site and it was incongruous with the other buildings and not in keeping with the other buildings. Members were concerned about the removal of the boundary wall and embankment and noted the comments of the Inspector in the previous appeal decision in this regard.

The vote was tied four votes to four, and was carried using the Chairman's casting vote.

Resolved that W14/1198 be **refused** for the following reasons:

The proposal was contrary to policy DP1 (Layout and design), the inclusion of two dwellings was overdevelopment of the site and was incongruous with the other buildings and not in keeping with the other buildings. Members were concerned about the removal of the boundary wall and embankment and noted the comments of the Inspector in the previous appeal decision in this regard.

116. **W14/1453 – 134 Warwick Road, Kenilworth**

The Committee considered an application from Mrs Phillips for the erection of a single storey side and rear extension and one and two storey rear, and side, extension. Also change of use from Use Class C3 (single dwelling house) to Use class D1 (complementary health practice) at ground floor and a two bedroom apartment at first floor.

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

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

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
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)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
Vehicle Parking Standards (Supplementary Planning Document)

An addendum was circulated at the meeting which detailed three further letters and a petition, objecting to the application, along with no objection from the Highways Authority.

It was the officer's opinion that the proposal was considered unlikely to lead to significant harm to highway safety, visual or neighbouring amenity, and the benefits of the scheme were not outweighed by any likely adverse impacts, therefore the proposal would comply with paragraph 14 of the NPPF.

The following people addressed the Committee:

Mr Stone, in objection and Mrs Phillips the applicant.

Members were concerned that there had been an unpleasant campaign against this applicant and her business and were content that the parking issues had now been resolved.

Resolved that W14/1453 be **granted** subject to the following conditions:

(1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section

91 of the Town and Country Planning Act 1990 (as amended);

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1692 PL02 Rev.G and 1692 PL03 Rev. F submitted on30 September 2014, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(4) the use of the ground floor of the property hereby permitted shall be as a complementary health practice only, and for no other purpose within Use Class D1. **Reason:** Since the proposed use is only considered acceptable in the particular circumstances of this case, and an alternative D1 use could have a greater impact on neighbouring amenity or parking;

(5) prior to the occupation of the development hereby permitted, the first floor windows in the side elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured

glazed window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;

(6) the uses hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

(7) the access to the site for vehicles shall not be used unless the existing public highway footway crossing has been extended, laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** To ensure adequate access in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011; and

(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.

117. **W14/1422 – Cornerways, Rookery Lane, Lowsonford**

The Committee considered an application from Miss Jennens for the erection of a replacement garage with room over with link to main dwelling.

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

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

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

The 45 Degree Guideline (Supplementary Planning Guidance)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the officers opinion that the proposed replacement garage and utility room link extension were considered to be of acceptable design and scale which would not impact adversely on the character or appearance of the street scene and did not substantially impact on the amenity of neighbouring properties, the Green Belt or the Conservation Area which would support a reason for refusal.

The Committee were satisfied with the report and therefore

Resolved that W14/1422 be **granted** subject to the following conditions:

(1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

approved drawings, and specification contained therein, submitted on 24th September 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

(3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

(Meeting ended at 8.05pm)