Planning Committee

Minutes of the meeting held on Tuesday 29 March 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Senior Committee Services Officer – Miss Carnall; Legal Advisor – Mr Gregory; Development Manager – Mr Fisher; and Head of Development Services – Mrs Darke.

182. **Apologies and Substitutes**

Councillor Margrave substituted for Councillor Mrs Falp.

183. **Declarations of Interest**

Minute Number 189 – W/16/0018 – 1 Castle Hill, Kenilworth

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

184. **Site Visits**

There were no site visits carried out prior to the meeting.

185. **Minutes**

The minutes of the meeting held on 1 March 2016 were taken as read and signed by the Chairman as a correct record.

186. **W/15/2130 – Warwickshire College, Warwick New Road, Royal Leamington Spa**

The Committee considered an application from Warwickshire College and Deeley Properties for the erection of three storey student halls of residence comprising of 98 bedrooms divided into 12 cluster flats, warden's accommodation and a shared laundry facility.

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

The officer was of the opinion that the application was considered to be acceptable and would accord with the policies listed. The recommendation was therefore to grant permission subject to the conditions listed.

The following people addressed the Committee:

- Mrs Galloon, local resident objecting; and
- Mr Vickery, on behalf of Warwickshire College, supporting.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Mrs Knight and

seconded by Councillor Weed that the application be granted subject to an informative note to the applicant.

The note requested that site construction be undertaken with regard to the potential for neighbour disturbance, especially at evenings and weekends and in accordance with all relevant legislation.

The Committee therefore

Resolved that W/15/2130 be **granted** subject to the following conditions and an informative note as detailed below:

(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 numbers 3281-102 Rev A, 3281-103 Rev A and 3281-100 Rev B and specification contained therein, submitted on 11 March 2016. **Reason**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction

and to meet the objectives of Policy DAP3 in the Warwick District Local Plan 1996-2011;

(4) no part of the development hereby permitted shall be commenced until a scheme for the provision of bat and bird boxes to be erected on trees/buildings within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the boxes shall be installed and maintained in perpetuity.
Reason: In accordance with NPPF, ODPM Circular 2005/06 and to meet the objectives of Policy DAP3 in the Warwick District Local Plan 1996-2011;

(5) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

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

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

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

(6) no development shall commence on site until details of a landscaping scheme have been submitted and approved in writing by the Local Planning Authority. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted.
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;

(7) the development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(8) the development hereby permitted shall either:
a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation/trees/shrubs to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **Reason:** To ensure that protected species are not harmed by the development and to meet the objectives of Policy DAP3 in the Warwick District Local Plan 1996-2011;

(9) the development 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 that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in

accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;

(10) the cycle provision shown on the approved plans shall be completed before the development hereby permitted is first occupied and thereafter, kept free of obstruction and available for the parking of cycles associated with the development. **Reason:** To ensure that there is adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

(11) no external lighting or sound amplification or tannoy system shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the District Planning Authority. **Reason:** To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011; and

(12) the bin stores shown on the approved plans shall be completed before the development hereby permitted is first occupied and thereafter, kept free of obstruction and available for refuse associated with the development. **Reason:** To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

Informative note

That site construction be undertaken with regard to the potential for neighbour disturbance at evenings and weekends and in accordance with all relevant legislation.

187. **W/16/0265 – 4 Somerville Mews, Coniston Road, Royal Leamington Spa**

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

The application was presented to Committee following a request from Councillor Gifford.

The officer was of the opinion that the application was considered to accord with Policies DP1 & DP2 of the Warwick District Local Plan 1996 - 2011 and the Residential Design Guide SPG and therefore would not cause material harm to the occupiers of No.3 Somerville Mews through visual intrusion or loss of light. The extension had been designed in line with the character of the existing property and therefore would not introduce an incongruous feature within the street scene.

An addendum circulated at the meeting advised of an objection from Royal Leamington Spa Town Council and a letter of support from the applicant, clarifying measures to alleviate neighbours' concerns.

The following people addressed the Committee:

- Councillor Knight, objecting on behalf of Royal Leamington Spa Town Council;
- Mr Jeffrey, objecting; and
- Councillor Gifford, Ward Councillor objecting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Cain and seconded by Councillor Ashford that the application be refused because it would have an overbearing impact on neighbours by virtue of its scale and mass.

The Committee therefore

Resolved that W/16/0265 be **refused**, contrary to the officer's recommendation, due to the overbearing impact the proposal would have on the neighbouring property by virtue of its scale and mass.

188. **W/15/2035 – 10 Claremont Road, Royal Leamington Spa**

The Committee considered an application from Mr Singh for the erection of two single storey side extensions and one single storey rear extension garden room, after demolition of the existing single storey side extensions.

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

The officer was of the opinion that the amended proposal was considered to comply with the relevant Local Plan policies and the NPPF. Following negotiations with the agent, the proposal had been amended to reduce the two, two storey side extensions down to single storey with a considerable reduction in bulk.

An addendum circulated at the meeting outlined additional public comments received and requested that consideration of the application be deferred to allow objectors to attend the meeting.

The following people addressed the Committee:

- Councillor Knight, objecting on behalf of Royal Leamington Spa Town Council; and
- Mr Bond, objecting.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Cain and seconded by Councillor Mrs Knight that the application be refused contrary to the officer's recommendation.

The Committee therefore

Resolved that W/15/2035 be **refused** due to the detrimental impact the application would have on the street scene by reason of its design and location.

189. **W/16/0018 – 1 Castle Hill, Kenilworth**

The Committee considered an application from Turlington (International) Ltd for the conversion of an existing house into two apartments.

The application was presented to Committee because of the amount of local support for the application, which officers were recommending for refusal.

The officer was of the opinion that the proposed horizontal sub-division of the single dwelling house to create two apartments was considered to be inherently harmful to the integrity of the listed building and the scheme was therefore considered to be contrary to the policies listed.

Following consideration of the report and presentation it was proposed by Councillor Ashford and seconded by Councillor Boad that the application be refused in accordance with the officer's recommendation.

The Committee therefore

Resolved that W/16/0018 be **refused** for the following reason:

(1) policy DAP4 of the Warwick District Local Plan 1996-2011 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting. Policy DAP5 states that changes of use from their original use will only be permitted where the original use has been demonstrated to be no longer appropriate/ viable and the proposed use is sympathetic to the special architectural or historic interest and setting of the listed building. National Planning Policy Framework (NPPF), paragraph 134 advises that where a development proposal will lead to less than substantial harm this harm

should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposals, which are required to facilitate the conversion of the listed building from a single dwellinghouse into two apartments, would involve horizontal subdivision including internal works which collectively and individually harm the integrity and fabric of the listed building. This harm includes the removal or sealing shut with original doorways (with new doorways created), works to seal off the main stairwell currently open to the landing, with a glazed screen and the loss of the utilitarian 'service area' to the eastern side of the house to the detriment of the integrity of the listed building. In terms of NPPF paragraph 134 it is not considered that the harm to the significance of the heritage asset would be outweighed by public benefits.

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

190. **W/16/0261 – Land north of Oakley Wood Road, Bishop's Tachbrook**

The Committee considered an application from Bloor Homes Limited which related to planning permission W/14/0689 which was for the development of 150 dwellings, school drop off, open space, landscaping, sustainable drainage systems, access, footpaths and associated infrastructure.

Permission W/14/0689 was subject to a Section 106 Agreement that imposed a wide range of obligations on the developer. This included a requirement for 40% affordable housing. The applicant had requested that the provisions of the Section 106 agreement in relation to affordable housing were varied.

The application was presented to Committee because the variation to the S106 agreement was considered to be in the public interest.

The officer was of the opinion that the proposed changes to the affordable housing provisions of the Section 106 Agreement were considered to be in accordance with the Council's policies, when considered in the context of the most recent Government advice. Therefore, it was recommended that the Section 106 Agreement be amended as requested.

An addendum circulated at the meeting advised that the Housing Strategy and Development Officer had reaffirmed his support for the request.

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

The Committee therefore

Resolved that W/16/0261 be agreed.

191. **W/15/1611 – Villiers House, Clarendon Avenue, Royal Leamington Spa**

The Committee considered a retrospective application from Spitfire Properties LLP for the retention of roof plant and installation of screening.

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

The officer was of the opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the conservation area and the setting of nearby listed buildings. Therefore, it was recommended that planning permission be granted.

Following consideration of the report and presentation, it was proposed by Councillor Bunker and seconded by Councillor Ashford that the application be granted subject to the material finish being agreed by with Planning Officers.

The Committee therefore

Resolved that W/15/1611 be **granted** subject to the following conditions:

(1) within 1 month of the permission hereby granted, the plant shall be modified in strict accordance with drawing nos. M307, 2624-30, 2624-31, 2624-32 & 2624-33 and the whole of the exterior of the plant shall be painted a colour to match that of the roof of the building. The plant shall be maintained in accordance with these drawings and the requirements of this condition at all times thereafter. **Reason:** To protect the character and appearance of the conservation area, in accordance with Policy DAP8 of the Warwick District Local Plan;

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

amenities of occupants of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and

(3) the material finish will be agreed with Planning Officers.

192. **Planning Appeals Report**

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

Resolved that the report be noted.

(The meeting ended at 8.32pm)