Planning Committee

Minutes of the meeting held on Tuesday 9 December 2014 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Rhead (Chairman); Councillors Mrs Bromley, Brookes, Doody, Mrs Grainger, MacKay, Mrs Syson, Weber, Wilkinson and Williams.

An apology for absence was received from Councillor Ms De-Lara-Bond.

118. **Substitutes**

Councillor Mrs Syson substituted for Councillor Boad. Councillor Mrs Grainger substituted for Councillor Mrs Bunker.

The Chairman announced that the following applications had been withdrawn from the agenda:

W14/1555 – 98 Bridge End, Warwick
W14/1684 – Hampton View, Henley Road, Hampton on the Hill

119. **Declarations of Interest**

Minute Number 122 – W14/1548 – 11 York Road, Royal Leamington Spa

Councillor Mrs Syson declared an interest because the application site was in her Ward. Additionally, she informed the Committee that she considered herself pre-determined because she had sat on the Conservation Advisory Committee when it had debated this application. She left the room whilst this application was debated and returned after the decision had been made.

Councillor Wilkinson declared an interest because the objectors were known to him.

Minute Number 123 – W14/1340 – Land north of Common Lane, Kenilworth

Whilst this application was being discussed, Councillor Weber declared an interest because one of the objectors was a long-standing friend.

Minute Number 124 – W14/1570 – 28 Clarendon Street, Royal Leamington Spa

Councillor Brookes declared an interest because he considered himself pre-determined; the applicant being a work colleague. He left the room throughout the whole debate and decision making process for this application.

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

120. **Site Visits**

To assist with decision making, Councillors Mrs Bromley, MacKay, Rhead, Wilkinson and Williams visited the following application sites on Saturday 6 December 2014:

W14/1340 – Land north of Common Lane, Kenilworth
W14/1548 – 11 York Road, Royal Leamington Spa
W14/1555 – 98 Bridge End, Warwick

121. **Minutes**

The minutes of the meeting held on 11 & 12 November 2014 were agreed and signed by the Chairman as a correct record.

The Chairman announced a change to the published running order for the meeting. Application W14/1548 would be heard ahead of W14/1340 to allow some residents, whose names had not appeared on the list of speakers but had informed officers that they had registered to speak, to have time to liaise with all objectors in respect of application W14/1340.

122. **W14/1548 – 11 York Road, Royal Leamington Spa**

The Committee considered a resubmission of an application from Mr Librowski for the demolition of the existing garage to the rear of the property and the erection of a new detached double garage.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

<u>The Current Local Plan</u>
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)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

<u>The Emerging Local Plan</u>
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)

HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents
Vehicle Parking Standards (Supplementary Planning Document)
Distance Separation (Supplementary Planning Guidance)
Sustainable Buildings (Supplementary Planning Document - December 2008)

An addendum circulated at the meeting advised Members that six further letters of objection had been received, plus one from the Conservation Advisory Forum. A slight amendment to Condition 2 was also made.

It was the officer's opinion that the application complied with the Local Plan policies listed.

The following people addressed the Committee:

Councillor Gifford, representing both Royal Leamington Spa Town Council and his Ward as a District Councillor, spoke in opposition to the application, followed by Mr Viner who also spoke in opposition to the application.

Mr Librowski addressed the Committee in support of the application.

Councillors felt that the two Velux windows facing inwards towards the other properties should be removed from the plans. It was also felt that Condition 3 should be amended to include the architectural details (corbels) referred to in the report.

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

Resolved that application W14/1548 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 002 A & 003 Rev B, and specification contained therein, submitted on 21 October & 19 November 2014, except as required by condition 5 below. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011;

(3) no development shall be carried out on the site

which is the subject of this permission, until large scale details of doors, eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

(This condition was amended to include the architectural details referred to in the report e.g corbels.)

(4) the development hereby permitted 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 Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011;

(5) notwithstanding the details in respect of the garage doors shown on drawing number 003 Rev B submitted on 19 November 2014, the garage doors shall be side hung timber doors, painted not stained, and retained as such at all times thereafter. **Reason:** To ensure a high standard of design and appearance within the Conservation Area and to satisfy the requirement of Policy DAP8 in the Warwick District Local Plan 1996-2011;

(6) the garages and store room hereby permitted shall be used for such purposes only and not for habitable accommodation. **Reason:** In the interests of the amenities of nearby residents and to satisfy the requirements of Policy DP2 in the Warwick District Local Plan 1996-2011; and

(7) the two Velux windows facing inwards towards the other properties will be removed from the plans.

(Councillor Mrs Syson left the room whilst this application was discussed. She returned after the decision had been made to consider the remaining applications.)

123. **W14/1340 – Land north of Common Lane, Kenilworth**

The Committee considered an outline application from Bloor Homes Limited & Bluemark Projects Limited for the erection of up to 93 dwellings together with open space, drainage infrastructure and access from Common Lane. This was a resubmission of a previously refused application W14/0618.

The application was presented to the Committee due to the number of objections received from local residents and because objections had been received from Kenilworth Town Council and Stoneleigh & Ashow Parish Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

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)
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)

The Emerging Local Plan

Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW2, FW3, FW4, HE6, NE2, NE3, NE4, NE5, W1, DM1.

Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)
Affordable Housing (Supplementary Planning Document - January 2008)
Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
Warwickshire Landscape Guidelines SPG
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Open Space (Supplementary Planning Document - June 2009)
Vehicle Parking Standards (Supplementary Planning Document)

An addendum circulated at the meeting informed Members that:

- three letters had been received making the case that neither Common Lane nor the infrastructure would cope with the additional traffic flow;
- Kenilworth Town Council still maintained its objection and felt that the lane would not cope with large vehicles;
- in respect of contributions, the sum of £100,921.84 should be added towards the care and to accommodate population growth for South Warwickshire NHS;
- the applicant had confirmed certain points on the plan which were shown on the drawing;
- an additional condition was recommended on planning permission; and
- a low emissions statement had been received from the agent and this referred to the methods by which the developer would seek to reduce traffic flow.

It was the officer's opinion that due to the Council's lack of a five year supply of housing land, 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 the 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. 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 that had been 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. It had also been concluded that very special circumstances had been demonstrated to justify the inappropriate development in the small areas of the site that were in the Green Belt.

The development was considered to comply with all current Local Plan policies aside from RAP1, 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. It was, therefore, concluded that planning permission should be granted.

The Chairman confirmed that the five residents speaking in opposition to the application would each have three minutes to speak.

The following people addressed the Committee:

Mr Fryer, representing Stoneleigh & Ashow Joint Parish Council, spoke in opposition to the application. Five residents, Mr Smart, Mr Wells, Mr Green, Mr McClean and Mr Warren then each addressed the Committee in opposition. They were followed by Mr May, who represented the applicant.

A motion to refuse permission was defeated.

Members debated whether boxes marked out for cyclists at the traffic lights would be necessary and were informed by the Warwickshire County Council Highways Officer that this would mean the plans would have to be re-drawn. Members agreed conditions in respect of a rainwater scheme and rainwater harvesting and a condition to secure the implementation of the Low Emission Statement that had been submitted.

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

Resolved that W14/1340 be **granted** subject to conditions and subject to the completion of a satisfactory Section 106 agreement. Should a satisfactory Section 106 agreement not be received by 15 December 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 that are 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 strictly in accordance with the details shown on the site location plan and approved drawing(s) (B.0292_13, B.0292_13-2 461095-003 Rev.H, 461095-014 submitted on 25 September 2014 and 10 November 2014. Tree removal and tree protection plan Figure 2 submitted on 25 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;

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

· 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.
· the programme of archaeological evaluative work and associated post-excavation analysis, report production and archive deposition detailed within the approved WSI is to be undertaken. A report detailing the results of this fieldwork is to be submitted to the local planning authority.
· An Archaeological Mitigation Strategy document shall be submitted to and approved in writing by the LPA. 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 any fieldwork detailed in the approved Archaeological Mitigation Strategy document has been completed to the satisfaction of the Planning Authority. The post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved Mitigation Strategy document. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;

(6) no development shall take place under any relevant phase of development 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 pressure sodium lamps 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;

(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 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;

(8) no development shall take place under any reserved matters consent until a scheme for that reserved matters consent 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;

(9) 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;

(10) 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 LPA 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 National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan;

(11) 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 pond, wildflower grasslands, 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 National Planning Policy Framework (NPPF);

(12) 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 otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be 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;

(13) the development hereby permitted shall not commence until a scheme 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 shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained

thereafter. **Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(14) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the 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;

(15) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; 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 noise, vibration, dust, dirt and light 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;

(16) no development shall take place unless and until a Low Emission Strategy 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;

(17) the development hereby permitted shall be carried out in strict accordance with a drainage scheme and details of the following that shall have been submitted to and approved in writing by the local planning authority:

- The applicant is to provide detailed design plans showing the existing and proposed foul & surface water drainage systems for the site, showing the location of yard and road gullies, manhole's, soak ways, septic tanks, cess pitts and pipes including size, shape, material, fall and level in relation to ground and building levels. This should include a manhole schedule.
- The applicant is to provide detailed engineering drawings of the proposed attenuation pond and any other SUDS features incorporated into the design of the site. This should include vehicle and pedestrian access to the proposed attenuation pond to allow for maintenance crews to access the area to maintain control structures and the pond.
- Where works are located within 8m of the watercourse the applicant must obtain land drainage consent from the Environment Agency
- The applicant is to obtain discharge consent from the Environment Agency as part of the application.

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;

(18) prior to any development commencing on site, full details of the design and appearance, including materials, of the bridge access into the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the occupation of the development.
Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policy DP1 of the Warwick

District Local Plan 1996-2011;

(19) 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;

(20) 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 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;

(21) 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;

(22) no construction will be undertaken until a Construction Management Plan, which must contain a Construction Phasing Plan and HGV routing plan has been submitted and approved by the local planning authority. **Reason:** In the interests of highway safety, in accordance with Policy DP6 in the Warwick District Local Plan 1996-2011;

(23) prior to the commencement of the development (not including alterations to the bridge structure), the access to the site from Common Lane shall be constructed, located and laid out in general accordance with drawing number 461095-003 Rev 1 (*Minor alterations may be required during the detailed design process).* **Reason:** In the interests of highway safety, in accordance with Policy DP6 in the Warwick District Local Plan 1996-2011;

(24) no infill material system (soil) shall be imported to the site unless and until analytical test results for the material have been submitted to and approved in writing by the District Planning Authority. The analytical results shall demonstrate that the soil is suitable for its final use. Once the material is in place a further report shall be submitted to and approved in writing by the Local Planning Authority to confirm that the soil cover meets or exceeds the agreed capping depth. **Reason:** To protect the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

(25) conditions in respect of a rainwater scheme and rainwater harvesting and a condition to secure the implementation of the Low Emission Statement that had been submitted; and

(26) condition in respect of including cycle boxes at

traffic lights.

124. **W14/1570 – 28 Clarendon Street, Royal Leamington Spa**

The Committee considered an application from Keystone Developments for the erection of a first floor rear extension to the existing HMO.

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

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)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
BE3 - Amenity (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)

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

It was the officer's opinion that the proposed extension was acceptable in principle and would provide an appropriate design solution that would not affect neighbouring amenity. The proposal was, therefore, considered to comply with the policies listed.

The following people addressed the Committee:

Councillor Gifford, representing Royal Leamington Spa Town Council, spoke in opposition to the application, followed by a local resident, Mr Wigham, who also spoke in opposition. Mr Matharu addressed the Committee on behalf of the applicant.

There was concern that some of the plans were inaccurate and a request was made for better plans to be provided.

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

Resolved that W14/1570 be **deferred** to allow a site visit.

125. **W14/1513 – Land at Fieldgate Lane, Whitnash**

The Committee considered an application from Bovis Homes Limited on the details of appearance, landscaping and scale of the proposed seven residential dwellings and associated infrastructure.

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

The officer considered the following policies to be relevant:

The Existing Local Plan

DAP3 - Protecting Nature Conservation and Geology (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)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP5 - Density (Warwick District Local Plan 1996 - 2011)
DP6 - Access (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)
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)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW2, FW3, FW4, HE1, HE6, NE2, NE3, NE4, NE5, W1, DM1.

Guidance Documents

Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Open Space (Supplementary Planning Document - June 2009)
Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework
Affordable Housing (Supplementary Planning Document - January 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)

An addendum circulated at the meeting advised Members that comments had been received from Contract Services, Warwickshire County Council Ecology, the Tree Officer and a further two letters of objection had been received. There were also some amendments to the Conditions as follows:

- the wording to Condition 5 listed in the report was amended as per the wording in the addendum;
- in view of the late negotiations detailed in the addendum, Conditions 6, 7 and 8 listed in the report were to be omitted; and
- Condition 9 listed in the report was amended as per the wording in the addendum.

The Tree Officer stated that Condition 17 on original Outline Planning Permission W13/0858, which covered the whole development, could be discharged provided the barriers were erected in accordance with the exact Root Protection Area radii defined by the plan – JBA 14/04/7501D submitted on 5 December 2014. It was, therefore, considered that there was no need to attach a condition in this respect to the current application. Accordingly, the relevant conditions of the Outline Planning Permission had now been discharged, and the final outstanding condition (renewables) was subject to a Planning Appeal.

It was the officer's opinion that the resolution of the issues raised by the Golf Club regarding public safety represented a significant change in circumstances from those considered by the Planning Committee when determining the previous reserved matters application for the whole site.

Hence, it was considered that the proposed development had a satisfactory housing mix, level of affordable houses, design, impact on residents, access and parking, ecology and sustainability and, therefore, the application complied with Adopted Local Plan Policies D1, D2, D3, D4, D5, D6, D8, D9, D11, D14, DA3, SC1, the Council's Residential Design Guide and the National Planning Policy Framework.

Following consideration of the report, presentation and addendum, the Committee

Resolved that the reserved matters application W14/1513 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) WHIT/02/300 Rev E, WHIT/02/500 Rev E, WHIT/02/600 Rev E, LEAM /02/0500 Rev B, LEAM-5-400, HTPD AGS2 01, HTPD AGT2 01, HTPD AGD2 01, WHIT/02/400 Rev A, HTPD P303 SHE 02 RevA, HTPD P303 HT ASC 01 Rev A, HTPD P507 HT ASCOT 01 Rev A, HTPD P507 HT ASCOT 02 Rev B, HTPD P502 HT ARU 01Rev A, HTPD P502 HT ARU 02 Rev B, HTPD S241 HT RAD 01 Rev A, WHIT/02/SL02, WHIT/02/701, WHIT-03 -102, HTPD_AGD2 01, HTPD_AGS2-1VT, and specification contained therein, submitted on 14/10/14. **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 existing hedges indicated on the approved plans to be retained shall not be cut down, grubbed out or otherwise removed or topped or lopped so that the height of the hedges fall below 3 metres at any point without the written consent of the local planning authority. Any hedge removed without 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 within the next planting season with hedging, trees and/or shrubs of such size and species details of which must be submitted to and approved by the local planning authority. All hedging, trees and shrubs 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 that hedging which is of significant amenity value to the area in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(3) the development shall be constructed in general accordance with drawing no. LEAM/02/500. **Reason:** To safeguard highway

interests in accordance with Adopted Local Plan Policy D8;

(4) measures shall be installed to the reasonable satisfaction of the Local Planning Authority to prevent mud and debris being deposited on the highway as result of construction traffic leaving the site. **Reason:** To safeguard highways interests in accordance with Adopted Local Plan Policy D6; and

(5) Prior to the commencement of the development hereby permitted plans must be submitted to and approved in writing by the Local Planning Authority showing the existing and proposed drainage systems for the site, the location of yard and road gullies, manholes, soakaways, septic tanks, cess pits and pipes, including the size, shape, material, fall and level in relation to ground and building levels to ordinate survey datum.

Prior to the commencement of the development hereby permitted plans must be submitted to and approved in writing by the Local Planning Authority showing the existing and proposed internal property drainage systems for the site including rain water down pipes, showers, sinks, toilets, WCs, wet rooms, wash basins, wash machines, dish washers and pipes, demonstrating how they link up with the external drainage systems. These plans must also show the finished floor levels of the proposed development.

Prior to the commencement of the development hereby permitted plans must be submitted to and approved in writing by the Local Planning Authority showing the precise location of the existing watercourse culvert in relation to the site. This plan must also show the extent of the proposed property curtilages and indicating which of these properties will become Riparian Owners of the watercourse. The development hereby permitted must only be implemented in strict accordance with these approved plans. **Reason:** To safeguard drainage interests in accordance with Adopted Local Plan Policy DP11.

126. **W14/1546 – Quarry Cottage, Old Milverton Lane, Old Milverton, Royal Leamington Spa**

The Committee considered an application from Mr Hughes for the erection of a single story rear extension.

The application was presented to the Committee because an objection from Old Milverton and Blackdown Joint Parish Council had been received.

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)
DP13 - Renewable Energy Developments (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)
H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the officer's opinion that in view of the particular circumstances of this case, the proposal was considered to be acceptable.

The Committee agreed an additional condition in respect of renewable energy.

Following consideration of the report and presentation, the Committee

Resolved that W14/1546 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 40A submitted on 21st October 2014 and 41B submitted on 24th November 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 be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building(s) and associated structures to be demolished. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. 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 ensure that protected species are not harmed by the development;

(4) 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; and

(5) a condition is included in respect of renewable energy.

(Meeting ended at 8.30pm)