Planning Committee

Minutes of the meeting held on Tuesday 2 February 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

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

155. **Apologies and Substitutes**

Councillor Edgington substituted for Councillor Mrs Stevens, Councillor Mrs Cain substituted for Councillor Cain, and Councillor Margrave substituted for Councillor Mrs Falp.

156. **Declarations of Interest**

Minute Number 159 – W/15/1662 – Venture Centre, Bath Place, Royal Leamington Spa

Councillor Boad declared an interest because his wife was a Warwickshire County Councillor and the application site was on County Council owned land.

Councillor Mrs Knight declared an interest because she had previously been the Chair of Bath Place Community Centre.

Minute Number 162 – W/15/2006 – Land off Waverley Road, Kenilworth

Councillor Mrs Cain declared a prejudicial interest because she was a member of Kenilworth Town Council Planning Committee and had been present at the meeting when the item was discussed. She left the room whilst the item was considered.

157. **Site Visits**

To assist with decision making, Councillors Ashford, Boad, Mrs Bunker, Cooke, Mrs Hill, Mrs Knight, Margrave, Morris and Weed had visited the following application sites on Saturday 30 January 2016:

W/15/2022 – Glebe House, 50 Radford Road, Royal Leamington Spa
W/15/1662 – Venture Centre, Bath Place, Royal Leamington Spa
W/15/1999 – Rear of 207 Rugby Road, Royal Leamington Spa

158. **Minutes**

The excerpt of the minutes from 18 August 2015 had been brought back to the Committee as an error had been discovered by the Audit Team. The Committee agreed the amendment as written.

The minutes of the meetings held on 5 January 2016 were taken as read and signed by the Chairman as a correct record.

The minutes of the meeting held on 8 December 2016 were agreed subject to a change to the substitutions at the meeting. Councillor Miss Grainger had substituted for Councillor Mrs Stevens and not for Councillor Mrs Falp, as previously recorded.

Prior to the commencement of the meeting, the Chairman advised that the Committee Services Officer would be using social media to announce the decisions made on each application.

159. **W/15/1662 – Venture Centre, Bath Place, Royal Leamington Spa**

The Committee considered an application from HB Villages Developments Limited for the demolition of existing buildings and erection of a two storey residential building comprising of 16 supported living apartments with associated parking and landscaping.

The application was presented to Committee because the particular circumstances of this application made it appropriate to do so.

The officer was of the opinion that this proposal for a derelict site within a Conservation Area would significantly enhance its character and appearance whilst providing specialist residential accommodation in the heart of Leamington town centre which would provide an appropriate residential environment and which the applicant had confirmed would provide for the safety of its residents in an appropriate manner.

An addendum circulated at the meeting proposed some minor changes to the conditions and outlined further consultation responses received. The addendum also advised that the applicant had clarified that they would be providing an appropriate means of delineating the boundary of the site from the public realm and that residents would be accompanied when outside of the building.

The following people addressed the Committee:

- Mr Sheehan and Mr Willis, in support of the application;
- Councillors Gifford and Parkins, in objection to the application.

The Legal Officer advised the Committee that they had a statutory duty to consider the affect that the application may have on Crime and Disorder because it was a material consideration, however, it was down to them as individuals to decide the weight to attach to the data supplied.

Members queried the 'mechanical ventilation' aspect of the windows and were advised that any air filtration would be a consideration for Building Control. In addition, clarification was given about the CCTV system being monitored within the site boundary and by staff on site.

Concerns were raised about the suitability of this site to provide housing for vulnerable people.

Councillor Morris proposed that the application be granted because of the good design and for the need to provide semi-independent living. This was seconded by Councillor Ashford who reminded the Committee that the Police had now removed their objection and the area the site was located in was in need of regeneration.

Members discussed the potential for a condition to be added to ensure the onsite CCTV system was linked to the District Council system. Officers advised that this could be done via a unilateral undertaking but there should be a limit imposed relating to the timeframe that the maintenance costs had to be covered.

The proposer and seconder accepted the amendment to their proposal.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Ashford that the application be granted subject to a unilateral undertaking, or appropriate condition, to ensure that the applicant funded the linkage and maintenance of the CCTV system to the Council's District wide system for the first five years of the development's life.

The Committee therefore

Resolved that W/15/1662 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 PL 300 Rev A; PL 200; PL 201 Rev B Rev B; PL 203 Rev B; PL 202 Rev B; PL 102 & PL 100; PL 101 and specification contained therein, submitted on 9th October 2015. **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 carried out strictly in accordance with the details contained within Peter Brett Noise Impact Assessment tilted " Supported Living Development Bath Place, Leamington Spa dated September 2015 Rev 2, and specification contained therein, submitted on 7th December

2015 . **Reason:** To protect the amenities of future occupiers of the proposed building in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

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

(5) 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;

(6) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials 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 the approved 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. **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;

(7) 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;

(8) no development (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys - Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

(9) no development (including demolition) The development to the hereby permitted shall not commence until a qualified ecologist has been appointed by the applicant to inspect the habitat (vegetation and buildings) suitable for nesting birds, immediately prior to works. Suitable habitat features are to be removed carefully by hand. If evidence of these species are found works may not proceed until advised by the ecologist on the most appropriate

approach. The qualified ecologist shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings. Nesting birds are protected under the 1981 Wildlife and Countryside Act. Hedgehogs are of high conservation concern and are a Species of Principal Importance under section 41 of the NERC Act **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;

(10) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which 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 boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; 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 …… hereby permitted; and all planting 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 and DP3 of the Warwick District Local Plan 1996-2011;

(11) the development (including any works of demolition) shall proceed only in strict accordance with a demolition method plan 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 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;

(12) the development (including any works of demolition) shall proceed only in strict accordance with a construction management plan which has been submitted to and approved in writing by the local planning authority. The approved plan shall be strictly adhered to throughout the construction period and shall provide for: Construction Phasing Plan, HGV routing plan and condition survey should be adhered to 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;

(13) no demolition shall take place unless and until the applicant has secured and implemented a programme to photographically record the building recording in accordance with a written scheme which has been submitted to and

approved in writing by the local planning authority. **Reason:** To ensure the appropriate recording of features or buildings before development commences that are Important to the understanding of the Districts historical development in accordance with Policy DAP4 & DP3 of the Warwick District Local Plan 1996-2011;

(14) the development shall not be occupied until an access for vehicles has been provided to the site 5.0 metres in width for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(15) the access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(16) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(17) the access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(18) the development shall not be occupied until space has been provided within the site for the parking, loading/unloading and turning of vehicles in accordance with details to be approved in writing by the Local Planning Authority. **Reason:** In the interests of highway

safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and

(19) a unilateral undertaking, or appropriate condition, to ensure that the applicant funds the linkage and maintenance of the CCTV system to the Council's District wide system for the first 5 years of the development's life.

160. **W/15/1766 – Field House, Grove Lane, Ashow**

The Committee considered a part retrospective application from Mr Williams for the erection of a single storey side extension to the main house to create a new tandem garage and the retention of a re-sited oil tank.

The application was presented to Committee because of the number of objections received, including one from Stoneleigh and Ashow Joint Parish Council.

The officer was of the opinion that the proposed single storey garage extension was considered to be of an acceptable design and scale which would not adversely impact on the character and appearance of the street scene or the Conservation Area and did not have a detrimental impact on the amenity of the neighbouring properties or the setting of the neighbouring Listed Building to a degree that would warrant a recommendation of refusal. The scale of the extension was considered to be appropriate development in this Green Belt location.

An addendum circulated at the meeting provided clarification from the applicant regarding previous extensions to the property and explained that additional trees had been planted to screen the property from the road.

In addition, Councillor Mrs Redford had reiterated her concerns regarding flooding. The addendum also advised that Health & Community Protection, Environment & Sustainability Team raised no objection subject to a condition requiring the construction of a drainage strip gully.

The following people addressed the Committee:

- Mr Fryer, objecting to the application; and
- Mr Pugh, in support of the application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Edgington that the application be granted as per the officers' recommendation.

The Committee therefore

Resolved that W/15/1766 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 drawings 1105-0501-06, 1105-0502-06, and specification contained therein, submitted on 20th January 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;

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

(3) a drainage strip gully or other means of capturing additional runoff to be constructed on the driveway.

161. **W/15/1999 – Rear of 207 Rugby Road, Royal Leamington Spa**

The Committee considered an outline application from Mr and Mrs Hyde & Medwell for the erection of a single storey detached dwelling on land rear of 207 Rugby Road with access via Conway Road, with all matters reserved.

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

The officer was of the opinion that the development respected surrounding buildings, did not adversely affect the amenity of nearby residents, would not prejudice highway safety and was considered to comply with the policies listed.

An addendum circulated at the meeting provided details about objections from Councillor Grainger and the Friends of Conway Road Residents' Association Committee. In addition, the addendum stated that officers would clarify the parking arrangements.

The following people addressed the Committee:

- Councillor Alty, on behalf of Royal Leamington Spa Town Council, objecting;
- Ms Fitzpatrick, on behalf of the Friends of Conway Road Residents Association Committee, objecting; and
- Councillor Gifford, Ward Councillor, objecting.

At the request of the Chairman, the Head of Development Services provided clarification on the planning history of the site and explained that the permission for the erection of a bungalow had lapsed on 21 December

2015. In addition, Members queried why this road had not been adopted by the County Council, despite the efforts of the Residents' Group, and officers agreed to forward this question to the Highways Authority.

The Legal Officer highlighted some grammatical errors in the conditions attached to the report and the Committee agreed the amendments.

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

The Committee therefore

Resolved that W/15/1999 be **granted** subject to the following conditions:

(1) 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);

(2) 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);

(3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials 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 the approved 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. **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;

(4) the development hereby permitted shall be carried out in strict accordance with 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;

(5) prior to commencement of the development hereby approved, details of a porous surface treatment for the drive or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, shall have been submitted to and approved by the District Planning Authority. The drive shall be constructed and surfaced, in full accordance with the approved details. **Reason:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan;

(6) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which 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 boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; 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 …… hereby permitted; and all planting 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 and DP3 of the Warwick District Local Plan 1996-2011;

(7) the vehicular access to the site shall not be less than 3 metres wide for a distance of 7.5 metres into the site, as measured from the near edge of the adjacent highway. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(8) the low wall indicated on the illustrative layout plan should be a maximum 600mm in height to ensure visibility of pedestrians using Conway Road. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(9) in the case of the reserved matters specified in relation to the layout, scale and appearance of the proposed bungalow, there shall be no windows or accommodation above ground floor level. **Reason:** To protect the living conditions of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and

(10) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted. **Reason:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is

carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

162. **W/15/2006 – Land off Waverley Road, Kenilworth**

The Committee considered an application from Midland Estates Limited for the proposed refurbishment and extension of existing building to create student residential accommodation.

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

The officer was of the opinion that the proposals complied with Policy SC2 in relation to the loss of employment land. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. The proposals would also have an acceptable impact on the setting of the adjacent Conservation Area. Finally it had been concluded that the proposals would be acceptable in terms of car parking and highway safety and that the proposals would not cause harm to bats. Therefore, it was recommended that planning permission be granted.

An addendum circulated at the meeting advised that one further objection had been received raising concerns about devaluation of property and blocking up of private rights of access.

The following people addressed the Committee:

- Ms Adams, objecting; and
- Mr Ahmed, objecting.

Members were advised that any rights to access across the car park would be a civil matter and not a material planning consideration.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Boad that the application be granted as per the officers' recommendation.

The Committee therefore

Resolved that W/15/2006 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) 5126/12A, 5126/14A & 5126/15A, and specification contained therein, submitted on 25 November 2015. **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) notwithstanding the details shown on the approved plans, prior to the commencement of the development hereby permitted a plan to show the layout and surface treatment of a covered cycle parking area for use in association with the development shall have been submitted to and approved by the District Planning Authority. The cycle parking area shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **Reason**: To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

(4) 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;

(5) no construction will be undertaken until a Construction Management Plan has been submitted to and approved in writing by the

local planning authority. This shall include a Construction Phasing Plan, details of measures to prevent mud and debris on the public highway and suitable areas for the parking of contractors and visitors and the unloading and storage of materials. The development shall be carried out in strict accordance with the approved details. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

(6) no part of the student residential accommodation hereby permitted shall be occupied unless and until a refuse and recycle store has been constructed in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The refuse and recycling store shall be retained at all times thereafter. **Reason**: To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

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

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

(9) noise arising from any air source heat pump or ventilation plant at these premises , 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 living conditions of neighbouring dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;

(10) the development hereby permitted shall not be occupied unless and until:

(a) details of measures to ensure safe pedestrian access to the site across the adjacent car park have been submitted to and approved in writing by the local planning authority; and
(b) the measures approved under (a) have been implemented in strict accordance with the approved details.

Reason: To ensure safe access to the site, in accordance with Policy DP6 of the Warwick District Local Plan; and

(11) 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 to be affected, in addition to any other suitable features. All roofing and other suitable 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, Natural England and WCC Ecological Services. 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, in accordance with Policy DP3 of the Warwick District Local Plan.

163. W/15/2022 – Glebe House, 50 Radford Road, Royal Leamington spa

The Committee considered an application from Midway Warwickshire Care Ltd for the conversion of a care home (use class C2) to accommodate six semi-independent flatlets with care provided (use class C2); erection of a single storey rear link extension, conversion and extension of existing rear garage, construction of dormer roof window to rear, replacement windows, construction of front access ramp and steps with associated walls and railings, construction of rear boundary wall and railings to St Mary's Crescent.

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 development was acceptable in scale/design and respected the visual amenity of the street scene / conservation area and did not adversely affect the amenity of nearby residents or highway safety. The proposal was therefore considered to comply with the policies listed.

An addendum circulated at the meeting advised that further comments had been received from an adjoining neighbour raising concerns about design and impact, condition 5 had been reworded to include details about the dormer window, and various details about advice that officers would be providing at the meeting.

In addition, the applicant confirmed that the existing wall to St Mary's Crescent would be retained, with the existing access to be widened to accommodate two off street parking spaces.

The following people addressed the Committee:

- Councillor Alty, on behalf of Royal Leamington Spa Town Council, objecting;
- Mr Higgins, objecting;
- Mr Harrison, supporting; and
- Councillor Quinney, Ward Councillor, objecting.

Councillors had concerns that the proposed dwelling would result in the neighbouring property becoming semi-detached and could have a detrimental effect on the value. However, Members were reminded that the financial implications were not a material consideration. In addition, the Legal Officer explained that any party wall issues were a civil matter and it would be down to the owner of the property to take independent legal advice.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Weed and seconded by Councillor Mrs Knight that the application be refused on the grounds that the development was unneighbourly, detrimental to the street scene and contrary to the character of the conservation area.

The Committee therefore

Resolved that W/15/2022 be **refused** because the development was unneighbourly, detrimental to the street scene and contrary to the character of the conservation area.

164. **W/15/2111 – Euston House, 12 Euston Place, Royal Leamington Spa**

The Committee considered an application from Mr Christou for the change of use of the first, second and third floors to a single dwelling house (Use Class C3). This was a resubmission of application W/15/1259.

The application was presented to Committee at the request of Councillor Mrs Evetts.

The officer was of the opinion that it was considered that Policy TCP9 was broadly in accordance with the provisions of the NPPF. The marketing information submitted in relation to the premise was insufficient and lacking in any great detail. Contradictory information on market demand had also been provided by the Council's Economic Development Team. It was considered that it had not been suitably demonstrated that there was no reasonable prospect of the property being used as offices. The proposal was contrary to the NPPF and Policy TCP9 of the Warwick District Local Plan 1996 – 2011 and the application was therefore recommended for refusal.

An addendum circulated at the meeting advised that the applicant had provided further information concerning the marketing of the premises. In response, the Economic Development Team had expanded on their counter argument and confirmed that there was a demand for this type of office space.

The following people addressed the Committee:

- Mr Christou, in support.

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

The Committee therefore

Resolved that W/15/2111 be **refused** for the following reason:

(1) Policy TCP9 of the Warwick District Local Plan 1996-2011 states that the redevelopment or change of use of existing employment land and buildings for other uses will be permitted except within the Town Centre Employment

Areas. The objective of this policy is to protect designated existing employment areas within the town centres, but otherwise to allow greater flexibility for other existing employment buildings to change to other uses.

Paragraph 22 of the NPPF states that policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses should be treated on their merits having regard to market signals.

In the opinion of the Local Planning Authority, it is considered that Policy TCP9 is broadly in accordance with the provisions of the NPPF and it is considered that it has not been suitably demonstrated that there is no reasonable prospect of the property being used as offices. The proposal is therefore contrary to the NPPF and Policy TCP9 of the Warwick District Local Plan 1996 - 2011.

165. **W/15/1811 – Land rear of 22 Llewellyn Road, Royal Leamington Spa**

The Committee considered an outline application, including details of access, layout and scale, from Mr Burridge for the erection of six dwellings (Use Class C3) together with access road / car parking.

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 area. Furthermore, the proposals were considered to be acceptable in terms of car parking and highway safety and in terms of the loss of trees and the impact on ecology. Therefore, it was recommended that planning permission be granted.

Following consideration of the report and presentation it was proposed by Councillor Edgington and seconded by Councillor Weed that the application be granted in accordance with the officers' recommendation.

The Committee therefore

Resolved that W/15/1811 be **granted** subject to the following 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) appearance
(b) 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) 3266-05B & 3266-10B, and specification contained therein, submitted on 3 November 2015 & 6 January 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;

(5) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first

occupied until the works within the approved scheme have been completed for that particular dwelling / unit and thereafter the works shall be retained at all times 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;

(6) no development shall be carried out on the site which is the subject of this permission, until details of existing and proposed ground levels of the development, including the finished floor levels of the buildings, have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason**: To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy DP1 of the Warwick District Local Plan;

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

(8) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **Reason:** In the interests of fire safety;

(9) the development hereby permitted shall not commence until a qualified ecologist has been appointed by the applicant to inspect the site

(habitat/built structures) suitable for nesting birds, amphibians, reptiles, bats and hedgehog immediately prior to works (including demolition of buildings, tree/vegetation clearance). If evidence of these species are found works may not proceed until advised by the ecologist on the most appropriate approach. The qualified ecologist shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected and notable species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan;

(10) no works shall commence, including site clearance, until a combined ecological and landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme must include all aspects of landscaping and details of biodiversity enhancements. The scheme approved under this condition shall be implemented in strict accordance with the approved details. **Reason:** To ensure that there is not an unacceptable loss of biodiversity from the site, in accordance with Policy DP3 of the Warwick District Local Plan;

(11) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which 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 boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings hereby permitted; and all planting 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 and DP3 of the Warwick District Local Plan 1996-2011;

(12) 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;

(13) 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;

(14) prior to commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. This shall include details of measures to be implemented to ensure that mud and debris will not be

deposited on the highway as result of construction traffic leaving the site and indicate the provision of space within the site for the parking, loading and unloading of construction and all other associated traffic (this space shall then be kept clear at all times for this purpose during the period of the development). It should also make reference to a joint survey to be undertaken with the County's Area Surveyor/Locality Officer to agree the condition of the public highway prior to commencement on site and post completion of the development. The development shall be carried out in strict accordance with the Construction Management Plan approved under this condition. **Reason**: In the interests of highway safety and the visual amenities of the area, in accordance with Policy DP6 of the Warwick District Local Plan;

(15) none of the dwellings hereby permitted shall be occupied until an access for vehicles has been provided to the site not less than 5.0 metres or greater than 5.5 metres in width for a distance of 10.0 metres, as measured from the near edge of the public highway carriageway. **Reason**: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan;

(16) The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of any of the dwellings hereby permitted, in full accordance with the approved plans. The parking area shall at all times thereafter be kept free of obstruction and be available for parking. **Reason**: To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan;

(17) the vehicular access for the development hereby permitted shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or ditch. **Reason**: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(18) the access to the site for vehicles shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason**: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(19) the existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 10.0 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority. **Reason**: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(20) none of the dwellings hereby permitted shall be occupied until visibility splays have been provided to the pedestrian access to the site with an 'x' distance of 2.4 metres and 'y' distances of 2.4 metres as measured from the rear edge of the public highway footway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway footway. **Reason**: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan;

(21) none of the dwellings hereby permitted shall be occupied unless and until the bin store has been constructed in strict accordance with the approved plans. The bin store shall be retained at all times thereafter. **Reason**: To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 & DP2 of the Warwick District Local Plan; and

(22) prior to the occupation of the dwelling on plot 1, the first floor window in the north 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 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.

167. **W/15/2108 – Helen Ley House, Bericote Lane, Blackdown**

The Committee considered an application from Ms Bawden for the removal of condition 6 (restriction of use to a care home) of planning permission W/76/1333.

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

The officer was of the opinion that the removal of condition 6 of planning permission W/76/1333 was appropriate and would be in accordance with the NPPF which did not seek to restrict changes of use or whether the premises were used for one form of residential care or another within the Green Belt.

An addendum circulated at the meeting proposed that an appropriate condition be added to ensure that the use of the site continued in a sustainable and appropriate manner for residential care home purposes, because of the location of the site in the open countryside and Green Belt.

Members sought clarification that only a care home provider would be permitted to use the site and, along with the additional condition, were satisfied that this was appropriate.

Following consideration of the report, presentation, and the information contained in the addendum, it was proposed by Councillor Cooke and seconded by Councillor Boad that permission be granted.

The Committee therefore

Resolved that condition 6 of planning permission W/76/1333 be removed subject to the following conditions:

(1) the proposed means of access to the abutting highway shall be laid out and formed to the reasonable satisfaction of the District Planning Authority in consultation with the Highway Authority. **Reason:** In the interest of road safety;

(2) any part of the boundary hedge that obstructs the vision splay areas shall be removed and the hedge re-planted behind the vision splay

lines on each side of the proposed access. **Reason:** In the interest of road safety;

(3) the landscaping scheme incorporating existing trees and hedges to be retained and new tree and hedge planting for the whole of those parts of the site not to be covered by buildings shall be in accordance with the proposals shown on the revised plan 5090/4/11a and this approved scheme shall be completed in all respects not later that the first planting season following the completion of the development hereby permitted and any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within two years of planting shall be replaced by trees or hedge planting of similar size and species to those required to be planted. Existing trees and hedges which are shown as being retained shall be protected to the satisfaction of the District Planning Authority during all site and building works. **Reason:** To protect and enhance the amenities of the area;

(4) as confirmed by letter dated 4th March 1977 from applicant's agents the following facing materials are approved for use in construction of the development hereby approved.
(a) Use of Colorec wall cladding units in colour red as sample submitted.
(b) Use of Landhouse glass fibre reinforced bitumen strip slates, roof covering in colour slate grey 107 as sample square submitted.
Reason: To ensure that the amenities of the area are not adversely affected by reason of the appearance of the type and colour of the materials to be used in the proposed development; and

(5) a condition is added to ensure that the use of the site continues in a sustainable an appropriate manner for residential care home purposes because of its location in the open countryside and Green Belt.

168. **W/15/2109 – Helen Ley House, Bericote Lane, Blackdown**

The Committee considered an application from Ms Bawden for the removal of condition 3 (restriction of use to a care home) of planning permission W/80/1495.

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

The officer was of the opinion that the removal of condition 3 of planning permission W/80/1495 was appropriate and would be in accordance with the NPPF which did not seek to restrict changes of use or whether the premises were used for one form of residential care or another within the Green Belt.

An addendum circulated at the meeting proposed that an appropriate condition be added to ensure that the use of the site continued in a sustainable and appropriate manner for residential car home purposes, because of the location of the site in the open countryside and Green Belt.

Members sought clarification that only a care home provider would be permitted to use the site and, along with the additional condition, were satisfied that this was appropriate.

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

The Committee therefore

Resolved that condition 3 of permission W/80/1495 be removed subject to the following conditions:

(1) the proposed means of access to the abutting highway shall be laid out and formed to the reasonable satisfaction of the District Planning Authority in consultation with the Highway Authority. **Reason:** In the interest of road safety;

(2) any part of the boundary hedge that obstructs the vision splay areas shall be removed and the hedge re-planted behind the vision splay lines on each side of the proposed access. **Reason:** In the interest of road safety;

(3) the landscaping scheme incorporating existing trees and hedges to be retained and new tree and hedge planting for the whole of those parts of the site not to be covered by buildings shall be in accordance with the proposals shown on the revised plan 5090/4/11a and this approved scheme shall be completed in all

respects not later that the first planting season following the completion of the development hereby permitted and any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within two years of planting shall be replaced by trees or hedge planting of similar size and species to those required to be planted. Existing trees and hedges which are shown as being retained shall be protected to the satisfaction of the District Planning Authority during all site and building works. **Reason:** To protect and enhance the amenities of the area;

(4) as confirmed by letter dated 4th March 1977 from applicant's agents the following facing materials are approved for use in construction of the development hereby approved.
(a) Use of Colorec wall cladding units in colour red as sample submitted.
(b) Use of Landhouse glass fibre reinforced bitumen strip slates, roof covering in colour slate grey 107 as sample square submitted.
Reason: To ensure that the amenities of the area are not adversely affected by reason of the appearance of the type and colour of the materials to be used in the proposed development; and

(5) a condition is added to ensure that the use of the site continues in a sustainable an appropriate manner for residential care home purposes because of its location in the open countryside and Green Belt.

169. **W/15/1155 – 17A & 17B Sikh Community Centre, Kingsway, Royal Leamington Spa**

This item was approved under delegated powers, prior to the meeting, and was therefore withdrawn from the agenda.

170. **Planning Appeals report**

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place.

Resolved that the report be noted.

(The meeting ended at 9.17 pm)