# Planning Committee

Minutes of the meeting held on Tuesday 18 August 2015 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

**Also Present:** The Head of Development Services – Mrs Tracy Darke, the Development Manager – Mr Gary Fisher, The Council's Solicitor – Mr Max Howarth, and the Committee Services Officer – Mrs Lesley Dury.

44. **Substitutes**

Councillor Naimo substituted for Councillor Mrs Knight.

45. **Declarations of Interest**

Minute Number 50 – W15/0795 – Lord Leycester Hotel, 17-19 Jury Street, Warwick

Councillor Cooke declared an interest because the owner was a personal friend. He left the room whilst this item was debated.

Councillor Morris declared an interest during the meeting when the Chairman announced this item because the application site was in his Ward.

Minute Number 51 – W15/0796LB – Lord Leycester Hotel, 17-19 Jury Street, Warwick

Councillor Cooke declared an interest because the owner was a personal friend. He left the room whilst this item was debated.

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

Minute Number 54 - W15/1023 – 6 Farm Road, Lillington, Royal Leamington Spa

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

Minute Number 55 – W15/1060 – 46 Warwick Street, Royal Leamington Spa

Councillor Naimo declared an interest because she worked at the Business Improvement District (BID).

Minute Number 56 – W15/1050 – 11 Livery Street, Royal Leamington Spa

Councillor Naimo declared an interest because she worked at the Business Improvement District (BID).

Minute Number 57 - W15/1037 – 65A Red Lane, Burton Green

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

46. **Site Visits**

To assist with decision making, Councillors Ashford, Mrs Bunker, Cain, Cooke, Mrs Hill, Mrs Stevens and Weed had visited the following application sites on Saturday 15 August 2015:

W15/0747 – Land West of Bridge Street and Wilkins Close, Barford
W15/0795 – Lord Leycester Hotel, 17-19 Jury Street, Warwick
W15/0796LB – Lord Leycester Hotel, 17-19 Jury Street, Warwick
W15/0898 – 116 Station Lane, Lapworth
W15/0806 – Land, adj to Brethren's Meeting Room, Bosworth Close, Baginton
W15/0722 – Downlands, Mill Lane, Lowsonford
W15/1037 – 65A Red Lane, Burton Green
W15/0453 – Crossways, Rowington Green, Rowington
W15/1023 – 6 Farm Road, Lillington, Royal Leamington Spa

47. **Minutes**

The minutes of the meeting held on 21 July 2015 were agreed and signed by the Chairman as a correct record.

48. **W15/0747 – Land West of Bridge Street and Wilkins Close, Barford**

The Committee considered an outline application from Bayhill Property Limited for up to 26 new dwellings with associated access.

The application was presented to Committee because a number of objections had been received, including one from Barford Parish Council. Additionally, Councillor Rhead had made a request that this application be presented at Committee.

The officer considered the following policies to be relevant:

The Current Local Plan

RAP1 - Directing New Housing (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)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
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)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H4 - Securing a Mix or Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H10 - Bringing forward Allocated Sites in the Growth Villages (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NP1 - Neighbourhood Plans (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H0 - Housing (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)
Open Space (Supplementary Planning Document - June 2009)
Vehicle Parking Standards (Supplementary Planning Document)
Warwickshire Landscape Guidelines SPG
Sustainable Buildings (Supplementary Planning Document - December 2008)
Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
Affordable Housing (Supplementary Planning Document - January 2008)
National Planning Policy Framework

The case officer was of the opinion that the Council's current position was that the Council could not demonstrate a five year supply of deliverable housing sites against the housing requirement and Policy RAP1 was to be considered out-of-date. The application site was considered to be within a sustainable location and the scheme would increase the supply of land for housing and contribute towards helping the Council achieve its five year housing requirement, which carried significant weight in this determination.

The development was considered to comply with other current Local Plan policies and with the policies of the NPPF as a whole. The presumption in favour of sustainable development also carried substantial weight.
It was considered that the details of the development could be successfully addressed at reserved matters stage and the provision of necessary new infrastructure would be secured by way of financial contributions. The development would have a limited impact on the open countryside as it was contained by the bypass and would not erode Barford's rural character. The most prominent part of the site to the north would be retained as open space with an associated landscaping scheme so that the visual harm for the conservation area/Barford Bridge was not significant. The scheme also needed to be balanced against the wider benefits of the development.

It was therefore concluded that the development should be granted.

An addendum circulated at the meeting stated that the Environment Agency and County Council did not have any objections to the scheme in respect of flooding risk. The Highways Authority considered that the

development would have a minimal impact upon the safe and efficient operation of the highway network at this location. It concluded that the visibility splays for the development were acceptable and that there were no justifiable reasons on which an objection on highway grounds could be sustained.

The Head of Development Services informed the Committee that the amount that the South Warwickshire Trust would contribute had been agreed and requested that the Section 106 period deadline be extended to 28 August.

The following people addressed the Committee:

Messrs Harrison-Hall, Scott and Swallow who all objected to the application; and
Councillors Phillips and Rhead, who also spoke in objection to the application as Ward Councillors.

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 Ashford to grant the application with the Section 106 agreement period extended to 28 August 2015.

The Committee therefore

**Resolved** that application W15/0747 be **granted** subject to the receipt of a satisfactory Section 106 Agreement and subject to conditions. Should a satisfactory Section 106 Agreement not have been completed on or before 28 August 2015, delegated authority is given to the Head of Development Services to refuse planning permission on the grounds that the proposals make inadequate provision in respect of the issues subject of that agreement.

Conditions:

(1) details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (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 access hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) B/BPDBarford.1/01 Rev D and specification contained therein, submitted on 15/05/15. For the avoidance of doubt the requirement to carry out the access permitted in accordance with the approved drawing(s) B/BPDBarford.1/01 Rev D and specification contained therein shall only apply to that part of the access which is located within 10 metres of the public highway. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011;

(5) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **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) 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) no construction will be undertaken until a Construction Management Plan which should contain a Construction Phasing Plan, measures to prevent mud and debris being deposited on the highway and HGV Routing Plan is submitted and approved by the Local Planning Authority. All details shall be carried out as approved. **Reason:** In the interests of highway safety in accordance with Policies DP2, DP6 & DP8 of the Warwick District Local Plan 1996-2011;

(8) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, 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 grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(9) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting 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;

(10) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Details to be submitted shall include: (a) infiltration testing in accordance with the BRE 365 guidance to clarify whether or not infiltration into the ground is a viable means of managing surface water from the site; (b) demonstrating that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken; (c) limitation of the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to no greater than 5.0 l/s; (d) demonstrating the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments'; (e)* demonstrating detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods; and (f) confirming how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

**Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;

(11) no development shall take place until finished floor levels have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be fully implemented. **Reason:** To reduce the risk of flooding to the proposed development and future users in accordance with Policies DP2 and DP11 of the Warwick District Local Plan 1996-2011;

(12) no development shall commence, including site clearance, unless and until a scheme to ensure that there is no net biodiversity loss as a result of the development, has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time and the scheme shall include: (a) a methodology for the identification of any receptor site(s) for offsetting measures; (b) the identification of any such receptor site(s); (c) the provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and (d) a management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity). The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved. **Reason:** To ensure no net loss of biodiversity in accordance with NPPF paragraph 118, principles and guidance documents;

(13) 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;

(14) 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 detailing the provision of noise mitigation measures to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise. Details shall reflect the acoustic garden fencing, facade and window specifications and ventilation solutions indicated in the supporting Nova Acoustics Ltd Noise Impact Assessment dated 24/07/15. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any dwelling house and mitigation measures 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;

(15) 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 thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;

(16) 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;

(17) the proposed dwelling houses shall not exceed two-storeys, as indicated within the Design and Access Statement submitted on 15th May 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;

(18) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB (A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and

(19) the layout of the application site to be submitted at reserved matters stage, referred to in condition one, shall retain a minimum of 0.23 hectares of open space to the northern part of the site in addition to the 5 metre wide landscaping buffer to the western site boundary (as identified on indicative layout Drgs No.P102 Rev C and P104 Rev B dated 23/07/15) **Reason:** To secure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and also to ensure no on-site bio-diversity loss in accordance with Policies DP1, DP2, DP3, DAP4 and DAP8 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF.

49. **W15/0981 – Land between Myton Road and Europa Way, Warwick**

The Committee considered a revised application following planning permission W14/1076 from The Europa Way Consortium to allow for a longer time limit for the commencement of the various phases of development. The development comprised the construction of up to 735 dwellings; a mixed use neighbourhood centre to include retail development

(Use Classes A1, A2, A3, & A4 and/or community and health uses (Class D1); safeguarding of land for education use; provision of formal and informal open spaces including sports and recreation provision, children's and youth play areas and allotments/orchards; strategic landscaping and drainage works including surface water attenuation ponds as part of a sustainable urban drainage system; provision of two vehicular accesses, one off Europa Way and one off Saumur Way; car parking; creation of new footpaths and cycle ways and their connection to adjoining networks; ground remodelling; under grounding of overhead power lines including a new pylon to link to offsite overhead lines; and formation of ponds as an ecological mitigation measure to accommodate the translocation of great crested newts.

The application was presented to Committee because it was recommended that planning permission was granted to a Section 106 Agreement.

The officer considered the following policies to be relevant:

Local Plan 2011-2029 - Publication Draft April 2014)
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS12 - Allocation of Land for Education (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS14 - Allocation of Land for Community Hub (Warwick District Local Plan 2011-2029 - The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP5 - Density (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

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)
RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan
DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Publication Draft April 2014)
DS15 - Comprehensive Development of Strategic Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H4 - Securing a Mix or Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE2 - Developing Strategic Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS5 - Directing Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
W1 - Waste Core Strategy (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DM2 - Assessing Viability (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

The case officer was of the opinion that in view of the scale of the development and the particular constraints affecting this site, it would be appropriate for the time limit for the submission of reserved matters to be increased. Therefore it was recommended that planning permission was granted subject to the revised conditions.

An addendum circulated at the meeting stated that Warwick Town Council objected to the application because it felt that the extension time was unreasonable because it would result in the loss of amenity to residents by reason of the intensification of the use of the vehicular traffic via Saumur Way and place only limited incentive on the developer to expeditiously progress the actions necessary to protect the great crested newt habitats or to provide replacement habitats. Similarly, the developer would be afforded too great a leeway in progressing the undergrounding of the overhead power lines. The Town Council considered that the maximum period for the approval of reserved matters should be five years.

The addendum, circulated at the meeting, also stipulated the objection received from the Leamington Society on the basis that the extension of time would increase the risk of developers banking planning permissions and slowing the delivery of housing. It maintained that if planning permission was granted, it would impact upon the five year housing supply.

The following people addressed the Committee:

Messrs MacKay, Ashworth (Chairman of the Leamington Society) and Batt who objected to the application; and
Mr Edwards (Chairman of the Europa Consortium) who spoke in support to 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 Ashford and seconded by Councillor Cain that the application be granted.

The Committee therefore

**Resolved** that application W15/0981 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) 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 the approval of reserved matters for the first phase of development shall be made to the local planning authority not later than 3 years from the date of this permission. Application for the approval of reserved matters for all subsequent phases of development shall be made to the local planning authority not later than 8 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 approval of the first reserved matters application, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

(4) the development hereby permitted shall be carried out substantially in accordance with the details described in the Design and Access Statement and as shown on the parameter plans 26855-LEA282a and 26855-LEA283a, and specification contained therein, submitted on 15 June 2015. For the avoidance of doubt, drawing nos. 26855-LEA202e (indicative master plan) and 26855-LEA206b (strategic master plan) have been considered as being for illustrative purposes only and therefore are not approved. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011. The application is in outline with all matters (save access) reserved and the local planning authority wishes to ensure that those details that have not yet been submitted are appropriate for the locality in terms of visual and residential amenity and reflect the scale and nature of the development assessed in the submitted Environmental Statement;

(5) no more than 70 dwellings shall be occupied unless and until the access to Europa Way has been constructed in strict accordance with drawing no. 26855-L133e, submitted on 15 June 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1,

DP2 and DP6 of the Warwick District Local Plan 1996-2011;

(6) no more than 70 dwellings shall be access via the proposed vehicular access from Saumur Way, which shall be constructed in strict accordance with drawing no. 26855-LEA187a, submitted on 15 June 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011;

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

The Design Code shall include the following matters:

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

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

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

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

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

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

The Site-wide Master Plan shall include the following:

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

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

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

(9) as part of the first reserved matters application a phasing plan for the whole site shall be submitted to the LPA for approval in writing. The phasing plan shall include details of the intended number of market and affordable dwellings for each phase of development together with general locations and phasing of key infrastructure, including surface water drainage, green infrastructure, community facilities and access for pedestrians, cyclists, buses and vehicles. **Reason:** To ensure the proper phasing of the development;

(10) no phase of development shall commence under any reserved matters consent until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

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

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

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

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

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

(b) a schedule of bat mitigation measures, to include up-to-date bat activity surveys and

proposals for either the retention and protection of existing bat roosts or the provision of replacement bat roosts; and

(c) a schedule of great crested newt mitigation measures, to include further survey work if necessary and proposals for either the retention and protection of the great crested newt habitats or provision of appropriate replacement habitats.

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

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

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

(13) no phase of development hereby permitted shall commence until a detailed Landscape and Ecological Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat

enhancement/creation measures and management, such as ponds, wildflower grasslands and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To meet the requirements of the NPPF in terms of biodiversity impact;

(14) no development shall take place within 8m of the top of the bank of the Myton Brook until a scheme for the provision and management of the river corridor and a minimum 8m buffer zone alongside the Myton Brook has been submitted to and approved in writing by the local planning authority. The scheme shall include plans showing the extent and layout of the buffer zone, the design and location of any bridges over the river, a tree planting scheme for this zone and details of any footpaths, fencing or lighting within the zone. The scheme shall thereafter be implemented in strict accordance with the approved details and the buffer zone shall be protected in accordance with the scheme at all times thereafter. **Reason:** To ensure the protection of wildlife and supporting habitat and to secure opportunities for the enhancement of the nature conservation value of the site, in accordance with Local Plan Policy DP3;

(15) no phase of development shall take place under any reserved matters consent until a scheme for that phase showing how 10% of the predicted energy requirement of the phase will be produced on or near to the site from renewable energy resources has been submitted to and approved in writing by the Local Planning Authority. No dwelling within that phase shall be occupied until all the works within the scheme that relate to that dwelling have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(16) no phase of development shall commence under any reserved matters consent until a scheme for that phase has been submitted to and approved in writing by the local planning

authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;

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

(18) no phase of development 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 within that phase has been submitted to and approved in writing by the local planning authority and has been

put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(19) no phase of development hereby permitted shall commence until: -

(1) (a) A site investigation has been designed for that phase 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 respect of that phase 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 in respect of that phase, 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) Each phase of development shall accord with the approved method statement for that phase.

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

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

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

(20) no phase of development shall commence under any reserved matters consent until a scheme for that phase detailing arrangements to protect residents of the development from excessive traffic noise entering habitable

rooms and the provision of quiet garden areas shielded from road noise has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

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

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

NPPF 2012;

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

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

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

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

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

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

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

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

(25) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.
**Reason:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

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

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

The approved drainage systems shall thereafter be installed in strict accordance with the approved details and timescales. The

approved drainage systems shall be retained at all times thereafter and shall be managed and maintained in strict accordance with the approved details.

**Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;

(27) no phase of development shall take place within 8m of the top of the bank of the Myton Brook until a scheme for the removal of the existing culverted section of the Myton Brook has been submitted to and approved in writing by the local planning authority. This shall include further hydraulic modelling to test the effectiveness of the restoration to an open-channel, as detailed in the Flood Risk Assessment, and demonstrate that downstream flood risk is not increased. This shall also include details of timescales for the completion of these works. The restoration of Myton Brook shall thereafter be completed in strict accordance with the approved details and timescales. **Reason:** To reduce flood risk, in accordance with the NPPF;

(28) no construction work on any of the dwellings or spine road hereby permitted shall commence until details of a dedicated cycle path along the spine road to connect with the existing cycle path alongside Saumur Way have been submitted to and approved in writing by the local planning authority. The dedicated cycle path shall thereafter be constructed with the spine road in strict accordance with the approved details. **Reason:** To ensure adequate provision for cycling, in accordance with Policies DP6 & SC4 of the Warwick District Local Plan;

(29) no construction work on any of the dwellings or spine road hereby permitted shall commence until details of a pedestrian and cycle link to Leamington Shopping Park have been submitted to and approved in writing by the local planning authority. No more than 400 dwellings shall be occupied before this pedestrian and cycle link has been constructed in strict accordance with the approved details.

**Reason:** To ensure appropriate access to local facilities by walking and cycling, in accordance with Policies DP6 & SC4 of the Warwick District Local Plan;

(30) 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;

(31) 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;

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

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

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

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

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

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

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

2011;

(35) the development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment by AMEC dated July 2014 and submitted on 15 June 2015, and the proposed flood mitigation measures contained therein. **Reason:** To reduce flood risk, in accordance with the NPPF;

(36) within two years of the first occupation of any of the dwellings hereby permitted, design and construction details of the main spine road through the development (annotated as "Principal Vehicle Route" on drawing no. 26855-LEA282a), together with a safeguarded access into Myton School, shall be submitted to and approved in writing by the local planning authority. Within five years of the first occupation of any of the dwellings or prior to occupation of 65% of the dwellings, whichever is the sooner, the spine road shall be completed in strict accordance with the approved details to provide a continuous unrestricted vehicular, cycle and pedestrian link from the site's principal access off Europa Way to the site's southern boundary. **Reason:** To ensure that a continuous unrestricted vehicular, cycle and pedestrian link is provided from the site access on Europa Way to link up with any spine road to be constructed on the adjacent site to the south (identified as "Land North of Gallows Hill" on planning application no. W14/0967). This is necessary in the interests of good urban design and a comprehensively planned development, in accordance with the NPPF, Policy DP1 of the Warwick District Local Plan 1996-2011 and Policies DS7, DS15 & BE2 of the Warwick District Local Plan 2011-2029 (Publication Draft 2014); and

(37) no dwelling hereby permitted shall be occupied unless and until:

(a) a scheme for rainwater harvesting has been submitted to and approved in writing by the local planning authority; and

(b) all parts of the scheme approved under (a) have been implemented in strict accordance with the approved plans for that particular dwelling.

The rainwater harvesting scheme shall be retained and maintained in strict accordance with the approved details at all times thereafter.

**Reason:** To ensure that the development is designed to be resilient to, and adapt to the future impacts of, climate change, in accordance with Draft Local Plan Policy CC1.

50. **W15/0795 – Lord Leycester Hotel, 17-19 Jury Street, Warwick**

The Committee considered an application from Lord Leicester LLP for the demolition of existing extensions to rear, renovation and change of use of remaining building to form 11 no. self-contained flats and one commercial unit to ground floor (A1/A2 Use Class) including internal alterations, external repairs & alterations and the erection of ten no. dwellings to the rear, alterations to rear wall, re-surfacing of rear courtyard & ancillary works. This was a resubmission following withdrawal of application no. W14/1338.

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

The officer considered the following policies to be relevant:

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
TCP8 - Warwick Town Centre Mixed Use Area (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS4 - Spatial Strategy (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TC11 - Warwick Town Centre Mixed Use Area (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CT3 - Protecting Existing Visitor Accommodation in Town Centre (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H4 - Securing a Mix or Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
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)
HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DM2 - Assessing Viability (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents
Affordable Housing (Supplementary Planning Document - January 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
Sustainable Buildings (Supplementary Planning Document - December 2008)

The case officer was of the opinion that there were no policy grounds to prohibit the change of use of this hotel and the proposals were in accordance with Local Plan policies for the location of new residential development and for development in this part of the town centre. The proposals would preserve the character and appearance of the Listed Building and the Conservation Area and would have an acceptable impact on the setting of St. Marys Church. The proposals would provide a satisfactory living environment for future occupants and would be acceptable in terms of car parking and highway safety. Finally the proposals were considered to be acceptable in terms of the impact on bats and archaeology and would provide appropriate Section 106 contributions taking account of viability considerations. Therefore it was recommended that planning permission was granted.

An addendum circulated at the meeting stated that a completed Unilateral Undertaking had been received to secure the £40,000 contribution towards affordable housing and the restrictions on residents' parking permits.

The following people addressed the Committee on this application and at the same time application W15/0796LB, which was the Listed Building consent for the same property:

Mr MacKay, representing the Conservation Advisory Forum, who spoke in objection to the application;
Mr Wallsgrove, who objected to the application; and
Mr Riley who spoke in support of the application.

Following consideration of the report, presentation, information contained within the addendum and the representations made at the meeting, it was proposed by Councillor Mrs Stevens and seconded by Councillor Morris that the application was granted subject to the conditions listed in the report

The Committee therefore

**Resolved** that application W15/0795 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) 009 P5, 023 P2, 024 P1, 025 P1, 026 P2, 027 P1, 030 P3, 034 P3, 035 P2, 036 P2, 037 P2, 040 P1, 041 P1, 042 P2,

043 P2, 044 P2, 045 P1, 046 P3, 047 P2, 049 P4, 051 P2 & 052, and specification contained therein, submitted on 20 May 2015, 28 July 2015 & 4 August 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) 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), parapets, eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building and within the Conservation Area, and to satisfy Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011;

(4) samples of all external facing and surfacing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

(5) a landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally

required to be planted. **Reason:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

(6) detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. **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 1996-2011;

(7) 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 shall be first occupied until the works within the approved scheme have been completed for that particular dwelling 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;

(8) 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;

(9) the development shall be carried in strict accordance with the Archaeological Mitigation Strategy approved under (c).

The programme of archaeological fieldwork and associated post-excavation analysis, report production and archive deposition detailed within the Archaeological Mitigation Strategy approved under (c) shall be completed in strict accordance with the approved details.

**Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the District's 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;

(10) the development hereby permitted shall not commence until an updated bat survey of the site, to include inspection of the buildings and activity surveys, as required 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;

(11) no development shall commence until a Construction Management Plan (to include a Construction Phasing Plan and HGV Routing Plan) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved Construction Management Plan. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(12) no development shall commence until details of secondary glazing and mechanical ventilation for the rooms fronting onto Jury Street have been submitted to and approved in

writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **Reason:** To protect the character and appearance of the Listed Building and to ensure an appropriate living environment for future occupants, in accordance with Policies DAP4, DP2 and DP9 of the Warwick District Local Plan 1996-2011;

(13) no demolition works shall commence unless and until a scheme for the monitoring, recording and analysis of the fabric of the building during the demolition process has been submitted to and approved in writing by the local planning authority. All demolition works shall be carried out in strict accordance with scheme approved under this condition. None of the dwellings hereby permitted shall be occupied unless and until a report detailing the results of the recording and analysis of the fabric of the building has been submitted to and approved in writing by the local planning authority. **Reason:** To protect the character and appearance of the Listed Building, in accordance with Policy DAP4 of the Warwick District Local Plan 1996-2011;

(14) within 1 month of the completion of the demolition works hereby permitted, a schedule of works for the repair and restoration of the Listed Building shall be submitted to and approved in writing by the local planning authority. No repairs or restoration work shall be carried out other than in strict accordance with the schedule of works approved under this condition. None of the dwellings hereby permitted shall be occupied until the repairs and restoration work approved under this condition have been completed in full. **Reason:** To protect the character and appearance of the Listed Building, in accordance with Policy DAP4 of the Warwick District Local Plan 1996-2011;

(15) no building fabric dating from prior to 1900 shall be demolished unless agreed otherwise in writing by the local planning authority. **Reason:** To protect the character and appearance of the Listed Building, in accordance with Policy DAP4 of the Warwick District Local Plan 1996-2011;

(16) the cycle parking, car parking and

manoeuvring areas 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 cycle parking, car parking and manoeuvring areas shall be retained for the purposes of parking for the development hereby permitted at all times thereafter. **Reason:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996 – 2011;

(17) none of the dwellings hereby permitted shall be occupied until the refuse and recycling store have been constructed in strict accordance with the approved plans. 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;

(18) delivery vehicles associated with the demolition or construction works hereby permitted shall not be permitted to arrive on site between 0700 hours and 0900 hours or between 1600 hours and 1800 hours on Monday to Friday. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and

(19) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 dwelling house hereby permitted. **Reason:** That having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the setting of the Listed Buildings or the amenity of adjacent properties. Therefore, no additional development is to be carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

(Councillor Ashford Chaired the Committee for this item in the absence of Councillor Cooke)

## 51. W15/0796LB – Lord Leycester Hotel, 17-19 Jury Street, Warwick

The Committee considered a Listed Building consent for an application from Lord Leycester LLP for the demolition of existing extensions to the rear, renovation and change of use of remaining building to form 11 no. self-contained flats and one commercial unit to ground floor (A1/A2 Use Class) including internal alterations, external repairs & alterations and the erection of 11 no. dwellings to the rear, alterations to rear wall, re-surfacing of rear courtyard & ancillary works. This was a resubmission following withdrawal of application no. W14/1339LB.

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

The officer considered the following policies to be relevant:

The Current Local Plan

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

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)

The case officer was of the opinion that the proposals would preserve the character and appearance of the Listed Building and the Conservation Area and would have an acceptable impact on the setting of St. Marys Church. Therefore it was recommended that listed building consent was granted.

An addendum circulated at the meeting stated that a completed Unilateral Undertaking had now been received to secure the £40,000 contribution towards affordable housing and the restrictions on residents' parking permits.

Following consideration of the report, presentation, information contained within the addendum and the representations made at the meeting, it was proposed by Councillor Mrs Stevens and seconded by Councillor Morris that the application was granted subject to the conditions listed in the report.

The Committee therefore

**Resolved** that application W15/0796LB 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) 009 P5, 023 P2, 024 P1, 025 P1, 026 P2, 027 P1, 030 P3, 034 P3, 035 P2, 036 P2, 037 P2, 040 P1, 041 P1, 042 P2, 043 P2, 044 P2, 045 P1, 046 P3, 047 P2, 049 P4, 051 P2 & 052, and specification contained therein, submitted on 20 May 2015, 28 July 2015 & 4 August 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) 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), parapets, eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building and within the Conservation Area, and to satisfy Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011;

(4) samples of all external facing and surfacing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

(5) no development shall commence until details of secondary glazing and mechanical ventilation for the rooms fronting onto Jury

Street have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **Reason:** To protect the character and appearance of the Listed Building, in accordance with Policy DAP4 of the Warwick District Local Plan 1996-2011;

(6) no demolition works shall commence unless and until a scheme for the monitoring, recording and analysis of the fabric of the building during the demolition process has been submitted to and approved in writing by the local planning authority. All demolition works shall be carried out in strict accordance with scheme approved under this condition. None of the dwellings hereby permitted shall be occupied unless and until a report detailing the results of the recording and analysis of the fabric of the building has been submitted to and approved in writing by the local planning authority. **Reason:** To protect the character and appearance of the Listed Building, in accordance with Policy DAP4 of the Warwick District Local Plan 1996-2011;

(7) within 1 month of the completion of the demolition works hereby permitted, a schedule of works for the repair and restoration of the Listed Building shall be submitted to and approved in writing by the local planning authority. No repairs or restoration work shall be carried out other than in strict accordance with the schedule of works approved under this condition. None of the dwellings hereby permitted shall be occupied until the repairs and restoration work approved under this condition have been completed in full. **Reason:** To protect the character and appearance of the Listed Building, in accordance with Policy DAP4 of the Warwick District Local Plan 1996-2011; and

(8) no building fabric dating from prior to 1900 shall be demolished unless agreed otherwise in writing by the local planning authority. **Reason:** To protect the character and appearance of the Listed Building, in accordance with Policy DAP4 of the Warwick District Local Plan 1996-2011.

(Councillor Ashford Chaired the Committee for this item in the absence of Councillor Cooke)

## 52. W15/0722 – Downlands, Mill Lane, Lowsonford

The Committee considered an application from Mr Graddon for an extension and alterations to the dwelling.

The application had been deferred at the last Planning Committee so that a site visit could take place. It was presented to Committee because of the number of letters of support received and it had been recommended for refusal.

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)
DP12 - Energy Efficiency (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)
NE3 - Biodiversity (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)

The case officer was of the opinion that the application was for extensions / additions to the existing dwelling and the construction of a new building within the Green Belt, which due to their size, design and scale of the proposals they were considered to constitute inappropriate development which would have an adverse impact on the openness of the surrounding area contrary to national and local policy. Furthermore the proposals would substantially alter the scale, design and character of the original dwelling and were therefore contrary to Policy RAP2, DP1 and the NPPF and no very special circumstances had been put forward sufficient to outweigh that harm.

The following people addressed the Committee:

Mr Cashmore and Councillor Gallagher, (Ward Councillor), both spoke in support of the application. It was felt that the design would considerably improve what was already there and would not be visible.

Members were given advice on recent Planning Appeal decisions which indicated that if a Local Planning Authority consistently took decisions ignoring policy on extensions, then this would set a precedent. In this case, a 40% increase in size would result, whereas policy on extensions in the Green Belt stipulated 30% as a guidance. The Head of Development Services reminded Members that they should consider what were the very special circumstances to set aside local and national policy.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application was refused for the reasons stated in the report.

The Committee therefore

**Resolved** that application W15/0722 be **refused** for the following reasons:

(1) the property, subject of the application, is within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with national policy guidance contained in the National Planning Policy Framework (NPPF). The NPPF states that the limited extension of existing dwellings in Green Belt areas may be appropriate provided that it does not result in a disproportionate addition over and above the size of the original dwelling. Policy RAP2 of the Warwick District Local Plan 1996-2011 seeks to prevent extensions to dwellings which substantially alter the scale, design and character of the original dwelling and indicates that extensions which are greater than 30% of the floor area of the original dwelling are likely to be considered disproportionate.

In the opinion of the Local Planning Authority, it is considered that the proposed development would radically alter the scale and character of the original dwelling, thus constituting a disproportionate extension and consolidation of a residential property which would constitute inappropriate development in the Green Belt which is harmful by definition and also by reason of a material loss of openness of this part of the Green Belt. The proposal would therefore be contrary to the aforementioned policy and the NPPF; and

(2) policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design. In the opinion of the Local Planning Authority due to the scale, design and overall bulk of the proposed extensions they would adversely impact on the rural character of the surrounding area and have a harmful impact on its character and quality. This would be contrary to the objectives of the aforementioned policies.

At 8.15pm, the Chairman adjourned the meeting for 15 minutes.

53. **W15/0898 – 116 Station Lane, Lapworth**

The Committee considered an application from Mr Dixon for the erection of a first floor side extension and a single storey rear extension. This was a resubmission of application W15/0069.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

RAP2 - Extensions to Dwellings (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)
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)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
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)
The 45 Degree Guideline (Supplementary Planning Guidance)

It was the officer's opinion that the proposals comprised disproportionate additions to this property in the Green Belt and in accordance with national policy there was therefore an objection in principle to the proposed development.

Mrs Rogers addressed the Committee in support of the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Boad that the application was refused for the reasons stated in the report.

**Resolved** that application W15/0898 be **refused** for because the proposed development by reason of its scale, bulk and massing would comprise inappropriate development within the Green Belt to which there is therefore an objection in principle contrary to the National Planning Policy Framework.

54. **W15/1023 – 6 Farm Road, Lillington, Royal Leamington Spa**

The Committee considered an application from Mrs Clay for a new two bedroom detached dwelling located in the former garden of No. 6 Farm Road, Lillington.

The application was presented to the Committee because of the number of objections received including one 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)
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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (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)
TR4 - Parking (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)
NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)

It was the officer's opinion that the application was considered to be acceptable in terms of design and impact on the character and appearance of the Conservation Area and general street scene, with no unacceptable significant adverse impacts on residential amenity. The proposal was thereby considered to accord with the aforementioned Local Plan Policies.

An addendum provided at the meeting gave details of a conditions recommended by Warwickshire County Council Archaeology on a programme of archaeological work and mitigation to be added to any permission granted.

The following people addressed the Committee:

Councillor Knight from Royal Leamington Spa Town Council, who spoke in objection to the application; and
Mrs Knightley, a local resident, who also objected to the application.

Members were concerned that if a modern house were to be built, then the property at no. 6 would lose its context. It would not enhance the Conservation Area.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Mrs Falp and seconded by Councillor Mrs Stevens that the application was refused contrary to the recommendations in the report.

**Resolved** that application W15/1023 be **refused** for the following reasons:

(1) the design was out of keeping with the Conservation Area; and

(2) the impact on the street scene.

## 55. W15/1060 – 46 Warwick Street, Royal Leamington Spa

The Committee considered an application from Piazza Pizzeria Limited for a proposed change of use of the ground and first floors from Class A1 (retail) to Class A3 (restaurant) together with external ductwork extraction.

The application was presented to the Committee at the request of Ward Councillor, Councillor Mrs Knight.

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)
DP9 - Pollution Control (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)
TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (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)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TC7 - Secondary Retail Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Vehicle Parking Standards (Supplementary Planning Document)

It was the officer's opinion that it was considered that this proposed change of use would be contrary to the objectives of Policy TCP5 in the Local Plan and would undermine the retail viability of the Town Centre. Furthermore, the proposed gas/wood combi boiler was likely to lead to nuisance to nearby residents from smoke and cooking odours from the flue gases which would be unneighbourly and in conflict with Policies DP2 and DP9 in the Local Plan.

The following people addressed the Committee:

Ms James, the Applicant; followed by Ward Councillor Mrs Knight, who also spoke in support. Councillor Knight was concerned that the property had been empty for seven years and an upmarket pizzeria would help create a lively area. She noted the objection made by Warwick District Council

Environmental Health and requested that the decision should be deferred until the issue surrounding smoke and odours could be rectified to Environmental Health's satisfaction.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Mrs Falp that the application was refused for the reasons stated in the report.

**Resolved** that application W15/1060 be **refused** for the following reasons:

(1) the proposed change of use would result in the introduction of a further non-A1 retail use within a secondary retail frontage within the Royal Leamington Spa town centre, resulting in an inappropriate mix and balance of uses within that frontage to the detriment of the vitality and viability of that town centre, contrary to the following national and local plan policies:

- The National Planning Policy Framework

The Warwick District Local Plan 1996-2011
- Policy TCP5

The emerging Warwick District Local Plan 2011-2029 (Publication Draft April 2014)
Policy TC7; and

(2) the proposed extraction flue, by reason of its location relative to nearby residential properties would result in unacceptable harm to the occupants of nearby residential properties arising from cooking odours; fumes and smoke to the detriment of the residential amenities of those properties, contrary to:

- The National Planning Policy Framework

The Warwick District Local Plan 1996-2011
- Policy DP2
- Policy DP9

The emerging Warwick District Local Plan 2011-2019 (Publication Draft April 2014)
Policy BE3.

## 56. W15/1050 – 11 Livery Street, Royal Leamington Spa

The Committee considered an application from Turtle Bay Restaurants Limited for a variation of condition 11 of planning permission reference W13/1339 to allow for the creation of an outdoor seating area in front of Unit 11, Regent Court to be used between the hours of 0930 hours and 1930 hours.

The application was presented to the Committee because of the number of objections 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)
DP9 - Pollution Control (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)

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)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

It was the officer's opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Therefore it was recommended that planning permission is granted for the variation of this condition.

The Head of Development Services informed the Committee that the Council was dealing with certain matters of enforcement concerning Turtle Bay, but as yet, no evidence had been presented. The 7.30pm restriction was the same as applied to seating outside on nearby units. There was some discussion ongoing concerning whether Turtle Bay was operating as a bar or as a restaurant. Turtle Bay considered that they operated as a restaurant, but Warwick District Council considered it was mixed use. However, Turtle Bay was considering how to reduce the impact their business had on residents.

The following people addressed the Committee:

Miss Boulton, speaking on behalf of Regents Court Residents' Association spoke in objection to the application and asked the Committee to defer the decision until the enforcement issues had been dealt with; and Councillor Mrs Knight, speaking as Ward Councillor, also objected to the application and requested that the number of covers be reduced from 32 to 24.

Following the statements made by the public speakers, the Council's Solicitor reminded Members that they must consider this application on its own merits and not take any enforcement issues into consideration. Nuisance issues arising from seating outside was a Licensing, not a Planning issue. Likewise, Planning Enforcement would be responsible for ensuring lawful use and if there were breaches of this. He also reminded Members that when considering the application, they must consider it on its own merits and look at other applications from other units to ensure consistency.

The Council's Solicitor advised that the applicant would have grounds for appeal if a motion from Councillors Mrs Bunker and Ashford was agreed to grant permission for a period of two years and but with the number of covers reduced to 24. He advised that the appeal grounds would be based on the fact that other units had not been set a temporary period. When an amended motion from Councillors Boad and Morris was provided to grant permission as per the report, but reducing the number of covers to 24, Councillors Mrs Bunker and Ashford were happy to withdraw their motion.

Following consideration of the report, presentation, and the representations made at the meeting, Councillor Boad proposed and Councillor Morris seconded a motion to grant permission as per the report, but with the number of covers reduced to 24.

**Resolved** that application W15/1050 be **granted** subject to the following conditions:

(1) this permission shall relate strictly to the details shown on the site location plan and approved drawing(s) 0112A & 220B, and specification contained therein, submitted on 8 November 2013 in relation to planning application no. W13/1339 and on 13 July 2015 in relation to the current application. **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;

(2) no customers shall be permitted to be on the premises other than between 0730 and 2330 hours on any day. **Reason:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance

with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

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

(4) the premises shall not be used for A3 purposes unless odour mitigation measures have been implemented in full accordance with the details specified in the odour assessment by LJ Air Ltd dated 30 August 2013 (Revision A) together with the filter specification submitted on 11 November 2013, both of which were submitted in relation to planning application no. W13/1339. The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority. **Reason:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(5) the kitchen extract system hereby permitted shall not be used unless sound attenuation treatment has been implemented in strict accordance with the recommendations of the Noise Impact Assessment Report by RPS (Acoustics) dated 13 September 2013 that was submitted in relation to planning application no. W13/1339. The sound attenuation treatment shall be maintained in strict accordance with the approved details at all times thereafter. **Reason:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the

Warwick District Local Plan 1996-2011;

(6) the restaurant shall be operated in strict accordance with the Management Plan (Rev C) that was approved under Condition 9 of planning permission no. W13/1339 on 24 September 2015. **Reason:** To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;

(7) the acoustically absorbent canopy approved under Condition 10 of planning permission no. W13/1339 shall be retained and maintained in accordance with the approved details at all times that the premises are used as a restaurant. **Reason:** To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;

(8) no customers shall be permitted to use the external seating area hereby permitted before 0930 hours or after 1930 hours on any day. At all times that the external seating area is in use, the canopy referred to in Condition 7 shall be maintained in the open position between 1700 hours and 1930 hours. No furniture within the external seating area shall be moved before 0930 hours or after 1930 hours on any day. Any part of any furniture that is in contact with the ground shall be fitted with rubber stoppers to minimise noise. **Reason:** To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;

(9) the external seating area hereby permitted shall be operated in strict accordance with the Operational Management Plan submitted on 12 May 2014 (in relation to planning application nos. W14/0430 and W14/0437). **Reason:** To protect the living conditions of neighbouring dwellings and to prevent crime and anti-social behaviour, in accordance with Policies DP2, DP9 and DP14 of the Warwick District Local Plan; and

(10) no more than 24 covers shall be permitted in the external seating area at any one time. **Reason:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies

DP2 & DP9 of the Warwick District Local Plan 1996-2011.

## 57. W15/1037 – 65A Red Lane, Burton Green

The Committee considered a retrospective application from Mr Owen for an extension and raised rear patio.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

The Emerging Local Plan

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

It was the officer's opinion that the extension was considered to be appropriate development in the Green Belt. It would not harm the character and appearance of the street scene and would not cause any undue harm to the neighbouring properties by loss of amenity or light. This application was therefore considered acceptable.

An addendum provided at the meeting gave information contained from a detailed letter of objection that had been received on the grounds of:

- The inappropriate size and scale of the extension which was out of scale with the character of the area and the original dwelling and the resulting precedent.
- The loss of amenity from both the extension and the raised patio which created adverse overlooking and loss of privacy.
- Concerns about the effect of the development on drainage.

A letter of support had been received and further comments had been received from the applicant who felt that the extensions were not unsympathetic or overbearing and that there was no loss of privacy over and above that which the applicant experienced from neighbouring properties.

The addendum also advised that the occupier of the neighbouring property had raised concerns that the officer's report indicated that there was overlooking of other neighbouring properties from their property. The addendum clarified the case officer's view that the officer had only assessed the extent of any overlooking and loss of privacy arising from the development the subject of this application. It was not necessary for any such assessment to be made from any other properties.

The following people addressed the Committee:

Mrs Bould, who objected to the application. ; and
Mr Owen, the applicant.

Some Members were concerned that the residents at the neighbouring property would have their privacy compromised because of the raised patio and that it contravened policy RAP2 because there was an increase of 33%.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, a proposal by Councillor Mrs Stevens, which was seconded by Councillor Weed was made to refuse the application contrary to the recommendations in the report.

**Resolved** that application W15/1037 be **refused** for the following reasons:

(1) Loss of privacy and amenity to the immediate neighbour; and

(2) Contravenes policy RAP2 because it is an increase of 33%.

58. **W15/0806 – Land adj to Brethren's Meeting Room, Bosworth Close, Baginton**

The Committee considered an application from Baginton Green Limited for a temporary change of use of part of the existing meeting room car park for the stationing of 11 No. terrapin units for the purpose of providing primary school accommodation for a period of three years.

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

The officer considered the following policies to be relevant:

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
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)
RAP11 - Rural Shops and Services (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TC17 - Local Shopping Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Vehicle Parking Standards (Supplementary Planning Document)

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

It was the officer's opinion that the proposals would comply with Green Belt policy in the NPPF and would be acceptable in terms of car parking and highway safety. Furthermore the proposals would have an acceptable impact on the character and appearance of the area and on the living conditions of nearby dwellings. Therefore it was recommended that planning permission was granted.

An addendum provided at the meeting confirmed that the temporary schools would be open to children who were not members of the Brethren community (as was the existing school). Two further objections had been received with objections on similar grounds to those stated in the report. Warwickshire County Council Highways had not raised any objection to the application but had requested conditions, including a requirement for a separate pedestrian access to be provided, and Warwick District Council officers recommended that this condition be included in any planning consent.

Following consideration of the report, presentation, it was proposed by Councillor Ashford and seconded by Councillor Boad that the application was granted as per the recommendations in the report and addendum.

**Resolved** that application W15/0806 be **granted** subject to the following conditions:

(1) the use of the temporary building(s) hereby permitted shall be discontinued on or before 19/08/2018 and the building(s) shall within one month after that date be completely removed and the site restored to its former condition. **Reason:** Since planning permission has only been granted on the basis of very special circumstances associated with the temporary needs of the school pending the completion of their permanent building;

(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) 5280.01, and specification contained therein, submitted on 13 July 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 security fence shall not be installed unless and until details of the design and appearance of the fence have been submitted to and approved in writing by the local planning

authority. The fence shall be installed in strict accordance with such approved details. **Reason:** To protect the character and appearance of the area, in accordance with Policy DP1 of the Warwick District Local Plan; and

(4) a requirement for a separate pedestrian access to be provided.

## 59. W15/0942 – 18-20 Warwick Road, Kenilworth

The Committee considered an application from Mawpart Commercial No 3 Limited for the renewal of Approval Reference W11/1142 for the redevelopment of an existing mixed use development to provide a retained retail unit at ground floor with undercroft parking to the rear and three no. dwellings accessed via an external stair and first floor courtyard with a net increase of two no. dwellings.

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

The officer considered the following policies to be relevant:

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
TCP11 - Protecting Residential Uses on Upper Floors (Warwick District Local Plan1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework

It was the officer's opinion that the scheme remained acceptable in principle and the development respected surrounding buildings in terms of scale, height, form and massing 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 provided at the meeting confirmed that no further clarification had been received from Kenilworth Town Council. An additional condition was recommended to request off-site public open space contributions in accordance with Policy SC13 of the Warwick District Council Local Plan 1996-2011 and the Open Space SPD. A recent legal decision had made this possible.

Following consideration of the report, presentation, and information contained in the addendum, it was proposed by Councillor Cooke and seconded by Councillor Mrs Falp to grant permission as per the recommendations in the report and the addendum.

**Resolved** that application W15/0942 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) 2668-161, 2668-162, 2668-163, and specification contained therein, submitted on 15/06/15, except as required by condition 3-5 below. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **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;

(4) 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;

(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 proposed car parking and cycle areas for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking and cycle areas shall be kept free of obstruction and be available for those purposes at all times thereafter. **Reason:** To ensure that adequate parking facilities are provided and retained for use in connection with the

development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

(7) the dwellings hereby permitted shall not be occupied until the bin store has been constructed in strict accordance with the approved plans. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(8) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB (A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and

(9) Off-site public open space contributions in accordance with Policy SC13 of the Warwick District Council Wide Local Plan 1996-2011 and the Open Space SPD.

60. **W15/0453 – Crossways, Rowington Green, Rowington**

The Committee considered an outline planning application from Mr Redwood for the erection of two new dwellings. This was for discharging means of access and layout only.

The application was presented to the Committee because an objection from Rowington 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)
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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
RAP1 - Directing New Housing (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)
H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

It was the officer's opinion that the development was acceptable in principle and would not affect highway safety. The proposal was therefore considered to comply with the policies listed.

An addendum provided at the meeting informed Members that the applicant had raised concern regarding condition 9 which was felt to restrict the dwelling houses to either single or two-storey construction only. Although properties have had loft conversions within the locality, Rowington Green was characterised by two-storey properties. Officers did not consider that this condition would preclude the sensible use of roof space as habitable accommodation within the design of the properties at Reserved Matters stage, however the condition was intended to set parameters to ensure that the proposed properties would physically read as two-storey dwellings, avoiding raised eaves or a contrived roof design to accommodate another habitable floor within the roof.

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

**Resolved** that application W15/0453 be **granted** subject to the following conditions:

(1) details of the appearance of the building(s), landscaping of the site and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010 (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 access and layout hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) PAL.005 and specification contained therein, submitted on 30/07/15. **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 vehicular access hereby approved shall not be used in connection with the development unless and until: (a) visibility splays have been provided to the site with an 'x' distance of 2.4 metres and 'y' distances of 120 metres to the near edge of the public highway carriageway. 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 carriageway; and (b) the vehicular access has been provided at a width of not less than 5 metres for a distance of at

least 7.5 metres in a bound macadam material, as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(6) 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, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the 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:** To protect trees and other features on site during construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(7) 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;

(8) prior to the first occupation of the dwellings details of bird boxes/artificial nests and bat boxes including their number, location and height from ground shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the first occupation of the dwelling house: **Reason:** To enhance the value of the site for biodiversity in accordance with the aims of the NPPF;

(9) the dwelling houses hereby permitted shall be of either single or two-storey construction only. **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;

(10) the development hereby permitted shall not commence until a qualified ecologist has been appointed by the applicant to inspect the habitat suitable for nesting birds, hedgehogs, amphibians & reptiles immediately prior to works. Suitable habitat features, such as compost heaps and log piles, are to be removed carefully by hand. If evidence of these species are found works may not proceed otherwise than in accordance with the advice of the qualified ecologist on the most appropriate approach. The qualified ecologist shall submit a brief report to the local planning authority within one 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 1996-2011 and the aims and objectives of the NPPF; and

(11) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters,

thumps etc.) or if the noise is irregular enough to attract attention, 5dB (A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

61. **W15/0767 – Land rear of Cherry Street, Warwick**

The Committee considered an outline application from Bayhill Property Limited for up to 26 new dwellings with associated access.

The application was presented to the Committee because of the number of objections received including one from Barford Parish Council and a request from Councillor Rhead.

The officer considered the following policies to be relevant:

The Current Local Plan

RAP1 - Directing New Housing (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)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
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)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H4 - Securing a Mix or Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H10 - Bringing forward Allocated Sites in the Growth Villages (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NP1 - Neighbourhood Plans (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H0 - Housing (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)
Open Space (Supplementary Planning Document - June 2009)
Vehicle Parking Standards (Supplementary Planning Document)
Warwickshire Landscape Guidelines SPG
Sustainable Buildings (Supplementary Planning Document - December 2008)

Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
Affordable Housing (Supplementary Planning Document - January 2008)
National Planning Policy Framework

It was the officer's opinion that the Council's current position was that the Council could not demonstrate a five year supply of deliverable housing sites against the housing requirement and Policy RAP1 was to be considered out-of-date. The application site was considered to be within a sustainable location and the scheme would increase the supply of land for housing and contribute towards helping the Council achieve its five year housing requirement, which carried significant weight in this determination.

The development was considered to comply with other current Local Plan policies and with the policies of the NPPF as a whole. The presumption in favour of sustainable development also carried substantial weight.

It was considered that the details of the development could be successfully addressed at reserved matters stage and the provision of necessary new infrastructure would be secured by way of financial contributions. The development would have a limited impact on the open countryside as it was contained by the bypass and would not erode Barford's rural character. The most prominent part of the site to the north would be retained as open space with an associated landscaping scheme so that the visual harm for the conservation area/Barford Bridge was not significant. The scheme also needed to be balanced against the wider benefits of the development.

It was therefore concluded that the development should be granted.

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

**Resolved** that application W15/0767 be **granted** subject to the following conditions:

(1) details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **Reason:** To comply with Article 4(1) of the Town and Country Planning (Development Management

Procedure) Order 2010 (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 access hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) B/BPDBarford.1/01 Rev D and specification contained therein, submitted on 15/05/15. For the avoidance of doubt the requirement to carry out the access permitted in accordance with the approved drawing(s) B/BPDBarford.1/01 Rev D and specification contained therein shall only apply to that part of the access which is located within 10 metres of the public highway. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011;

(5) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **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) 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) no construction will be undertaken until a Construction Management Plan which should contain a Construction Phasing Plan, measures to prevent mud and debris being deposited on the highway and HGV Routing Plan is submitted and approved by the Local Planning Authority. All details shall be carried out as approved. **Reason:** In the interests of highway safety in accordance with Policies DP2, DP6 & DP8 of the Warwick District Local Plan 1996-2011;

(8) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, 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 grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** To protect trees and other features on site during construction in accordance with

Policy DP3 of the Warwick District Local Plan 1996-2011;

(9) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting 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;

(10) no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Details to be submitted shall include: (a) infiltration testing in accordance with the BRE 365 guidance to clarify whether or not infiltration into the ground is a viable means of managing surface water from the site; (b) demonstrating that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken; (c) limitation of the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to no greater than 5.0 l/s; (d) demonstrating the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments'; (e)* demonstrating detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods; and (f) confirming how the on-site surface water

drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters. **Reason:** To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;

(11) no development shall take place until finished floor levels have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be fully implemented. **Reason:** To reduce the risk of flooding to the proposed development and future users in accordance with Policies DP2 and DP11 of the Warwick District Local Plan 1996-2011;

(12) no development shall commence, including site clearance, unless and until a scheme to ensure that there is no net biodiversity loss as a result of the development, has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time and the scheme shall include: (a) a methodology for the identification of any receptor site(s) for offsetting measures; (b) the identification of any such receptor site(s); (c) the provision of arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and (d) a management and monitoring plan (to include for the provision and maintenance of any offsetting measures in perpetuity). The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved. **Reason:** To ensure no net loss of biodiversity in accordance with NPPF paragraph 118, principles and guidance documents.

(13) 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;

(14) 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 detailing the provision of noise mitigation measures to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise. Details shall reflect the acoustic garden fencing, facade and window specifications and ventilation solutions indicated in the supporting Nova Acoustics Ltd Noise Impact Assessment dated 24/07/15. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any dwelling house and mitigation measures 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;

(15) 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 thereafter. **Reason:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;

(16) 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;

(17) the proposed dwelling houses shall not exceed two-storeys, as indicated within the Design and Access Statement submitted on 15th May 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;

(18) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB (A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and

(19) the layout of the application site to be submitted at reserved matters stage, referred to in condition one, shall retain a minimum of 0.23 hectares of open space to the northern part of the site in addition to the 5 metre wide landscaping buffer to the western site boundary (as identified on indicative layout Drgs No.P102 Rev C and P104 Rev B dated 23/07/15) **Reason:** To secure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and also to ensure no on-site bio-diversity loss in accordance with Policies DP1, DP2, DP3, DAP4 and DAP8 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF.

62. **W15/0851 – Grove Farm, Harbury Lane, Bishop's Tachbrook**

The Committee considered an update report that requested that two planning conditions which were omitted in error from the report presented on 21 July be imposed upon the grant of planning permission.

The two conditions were sought to secure a comprehensively planned development in the interests of good design and ensure that details of a site wide master plan and design code were considered in detail and agreed prior to the submission of any reserved matters scheme(s).

In order to ensure consistency with decisions issued on other strategic urban extension sites south of Royal Leamington Spa and Warwick, it was intended that these conditions be imposed, however they were omitted from the committee report in error.

Their addition was not intended to, and would not affect the decision that Members had already made to grant planning permission for the scheme, but rather would enable appropriate control over the design and layout of the proposals to be exerted.

Following consideration of the report, and presentation, it was proposed by Councillor Cain and seconded by Councillor Ashford that the two conditions be imposed as recommended in the report.

**Resolved** that the two additional conditions be imposed on application W15/0851.

Conditions:

(1) no reserved matters application for any phase of the development shall be submitted until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Master plan for the approved development, which shall substantially be in accordance with the approved plans and documents listed above in condition 4 and the principles set out within the Council's approved document 'Garden Towns, Villages and Suburb: A Prospectus for Warwick District Council, May 2012' (and any subsequent revision and/or approved plans/strategy available at the time), and which shall also accord with the principles set out in the approved Site Wide Design Code. The Site Wide Master Plan shall include the following:

- Illustrative details of how the proposed layout of development has been designed with due regard to the surrounding urban and rural context
- Land form topography as existing and proposed
- Land use plan and character areas (including densities and building heights)
- Movement corridors within the site (including principal roads, public transport

corridors, footpaths, cycle ways and green corridors) and demonstrating how these relate to existing movement networks in the wider area

- Location of any areas for off-street car parking areas and courts
- Key infrastructure (including SUDs, significant utility provision, schools, district/local centres)
- Landscape corridors and open space network
- Public open space
- Housing mix including tenure and size of dwelling
- Location of affordable housing
- Street tree planting and other structural planting landscape areas
- Hard and soft landscaping treatments
- Street lighting arrangements and any other lighting to public space
- A phasing plan including triggers for delivery of key elements of supporting infrastructure
- A statement establishing how the development proposals accord with the principles set out in the Site Wide Design Code.

**Reason:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DP1, DP14, DP15 and SC15 of the Warwick District Local Plan 1996-2011; and DS7, DS15, BE2 of the Warwick District Local Plan - Publication Draft 2014; and

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

- hierarchy of streets/routes/sections (including the extent of adoptable highways and associated areas)
- Development blocks including built form and massing and relationship with adjoining

development areas/blocks including areas of transition between development parcels (including the relationship between built form and adjoining open space);

- Building types
- Building heights
- The means to accommodate the parking of vehicles and cycles
- Sustainable Urban Drainage features
- Key spaces, open spaces and green features
- Architectural language and detailing
- Design principles for street tree planting and other structural planting landscaping areas
- Design principles on hard and soft landscaping treatments (including surfacing materials for all public realm) and proposals for their long term management
- Design principles on waste disposal and recycling
- Design principles on the colour and texture of external materials and facing finishes for roofing and walls of buildings and structures
- Design principles for street lighting and any other lighting to public space (including parking areas)
- The principles shall include a regulating plan on an ordnance survey base at a scale no greater than 1:1250
- A mechanism for periodic review and refinement if necessary of the approved Design Code

The Design Code shall then be used to inform the subsequent reserved matters applications.

**Reason:** In the interests of good urban design and a comprehensively planned development in accordance with NPPF and Policies DP1, DP14, DP15 and SC15 of the Warwick District Local Plan 1996-2011; and DS7, DS15, BE2 of the Warwick District Local Plan - Publication Draft 2014.

63. **Planning Appeals report**

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

**Resolved** that the report be noted.

(The meeting ended at 10.25 pm)