Planning Committee

Minutes of the meeting held on Tuesday 6 January 2015 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

There were no apologies.

The Chairman referred Members to a report written by the District Council's Conservation Officer "Assessment for Local Listing – 36 Paradise Street, Warwick" and asked them to ensure that they had read it. A copy had been provided to them before and at the meeting.

The Chairman announced that application W14/1493 – 6 Jury Street, Warwick had been withdrawn from the agenda.

127. **Substitutes**

There were no substitutes.

128. **Declarations of Interest**

Minute Number 131 – W14/1435 – 33 Vicarage Fields, Warwick

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

Minute Number 132 – W14/1570 – 28 Clarendon Street, Royal Leamington Spa

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

129. **Site Visits**

To assist with decision making, Councillors Boad, Mrs Bromley, Doody, MacKay, Rhead, Wilkinson and Williams visited the following application sites on Tuesday 6 January 2015:

W14/1570 – 28 Clarendon Street, Royal Leamington Spa
W14/0915 – Hybrid Arts, Riverside, Adelaide Road, Royal Leamington Spa
W14/1493 – 6 Jury Street, Warwick
W14/1625 – 36 Paradise Street, Warwick

130. **Minutes**

The minutes of the meeting held on 9 December 2014 were agreed and signed by the Chairman as a correct record.

131. W14/1435 – 33 Vicarage Fields, Warwick

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

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (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)

Guidance Documents

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

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)

It was the officer's opinion that the objections raised by the occupiers of neighbouring properties were noted. However, the proposal was considered to accord with the relevant policies listed and it was concluded that planning permission should be granted, subject to conditions.

The following people addressed the Committee:

Ms Lindsell, representing some nearby residents, addressed the Committee in opposition to the application. Mr Chowdry, the applicant, also addressed the Committee.

In response to questions from Members, the Head of Development Services informed them that:

- a condition to stipulate times when building took place and deliveries of materials were made could only be set in exceptional circumstances; but these issues were already controlled by Building Controls;
- the proposal met with regulations about "set-back";
- a note to the applicant could be included in respect of reinstating or making good any damage to the footpath;
- a condition was already in place for 10% renewable energy; and
- a condition for protective measures to trees was possible.

Members therefore requested an additional condition in respect of the trees and that a note should be included to the applicant in respect of the footpath.

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

Resolved that application W14/1435 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 (drawing number 1819-01), and specification contained therein, submitted on 6 October 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

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

generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

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

(5) a condition for protective measures to trees.

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

The Committee considered an application from Keystone Developments for the erection of a first floor rear extension to the existing house in multiple occupation (HMO).

This application was deferred from the last meeting of the Planning Committee in order to enable Members to visit the site.

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

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

The following people addressed the Committee:

Councillor Gifford, on behalf of Royal Leamington Spa Town Council, addressed the Committee in opposition to the application, followed by Mr Wigham, who also opposed the application.

Following on from the representations made by the public speakers, it was confirmed that any issue concerning the "party wall agreement" was not a consideration that the Planning Committee could take into account. It was also confirmed that should the present or any future owner wish to concrete over the garden area, planning permission would be required because the property was an HMO.

There was concern about the quality of the design proposals which were felt to be poor and it was also felt that the proposals would have an unacceptable effect on the neighbouring property in terms of loss of light.

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

Resolved that application W14/1570 be **refused** contrary to the recommendations in the report by reasons of policies DP1 and DP2 – design and loss of light.

133. **W14/0915 – Hybrid Arts, Riverside, Adelaide Road, Royal Leamington Spa**

The Committee considered an application from Hybrid Arts for a change of use to Sui Generis (Arts Education & Community use), for the delivery of formal alternative education to disadvantaged youths through school contracts during weekday term times, between 9.00 am and 4.00 pm, and some additional funded arts education project work that may take place at weekends or early weekday evenings, until 9.00 pm. Hire of sound-proofed rehearsal room to musicians until 9.00 pm. Hire of main hall to community user groups such as theatre groups, yoga classes etc. until 9.00 pm. Use of darkroom to community user groups (supervised). Use of screen printing facilities to community user groups (supervised).

This application was being reported back to Planning Committee having been deferred from the 19th August 2014 meeting. At this meeting Members had requested that the Chair of Planning Committee and officers meet with the Residents of Portland Place and the applicant to negotiate suitably worded conditions that could be imposed on a grant of planning

permission if Committee were minded to do so. However, as a result of these discussions, the contentious element of the proposal which centred around the music venue had been removed from the application. The application now proposed the change of use of the building to an Education, Arts & Community Centre. All of the parties who commented on the previous application had been notified of this change.

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE3 - Amenity (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)
HS8 - Protecting Community Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Vehicle Parking Standards (Supplementary Planning Document)

An addendum circulated at the meeting advised Members that an email had been received from the local residents of Portland Place which advised that "due to the changes made both on the website and to the documentation since our meeting with Warwick District Council officers in December, the resident group have decided not to oppose the application on 6 January 2015".

It was the officer's opinion that the scheme, which now only focussed on alternative educational practices to disadvantaged young people, was considered acceptable and officers understood that this was the element that Committee and residents generally supported. Therefore, subject to the suitably worded conditions listed in the report, the application was considered acceptable.

The Head of Development Services informed Members that in respect of concerns that had been voiced about alcohol consumption, the Council was not in a position to ban the premises from obtaining an alcohol licence under planning legislation; but because the Council owned the building, it could be controlled under the landlord function and be a restriction under their tenancy at will and / or lease.

In response to a question from the Chairman, the Head of Development Services confirmed that there was a mistake in Condition 4 of the report, and that Saturday should have been included in the schedule too for when activities on the premises could and could not take place.

The following people addressed the Committee:

Mr Burley, representing Hybrid Arts, addressed the Committee. He was pleased that the objections had been withdrawn but there were certain aspects of the agreement reached that were felt to be too restrictive. He requested that an outright ban on alcohol on the premises be withdrawn and undertook that alcohol would never be sold, simply consumed at special events. He also requested that the closing time be set back by one hour to 10pm.

Councillor Gifford addressed the Committee as Ward Member in support of the application as stated in the report.

Committee Members were pleased with the agreement reached and felt that this should remain as it stood in the report with the amendment to Condition 4 to include Saturday.

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

Resolved that application W14/0915 be **granted** subject to the following conditions:

(1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing showing the proposed floor plans titled H2 plan; titled new fire door & new fire door detail submitted on 17th July 2014 and the activity list document submitted on 16th December 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(2) notwithstanding condition No.1 above, before the activities highlighted brown in the schedule of activities submitted on 16th December 2014 commence, the building shall be insulated in strict accordance with a scheme of works which have been submitted to and approved in writing by the local planning authority and thereafter such works shall not be removed or altered in any way without the prior written approval of the local planning authority. **Reason:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable

disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(3) noise arising from activities at the premises, 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

(4) no members of the public shall be permitted to be on the premises other than between the hours of 0830 and 2130 and no activities shall take place on the premises other than between the hours of 0900 and 2100 on any weekday, Saturday, Sunday or Bank / Public Holiday. **Reason:** The premises are closely adjoined by residential properties and the local planning authority considers it necessary to strictly control the nature and intensity of use of the premises in the interests of the amenities of the area in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

134. **W14/1625 – 36 Paradise Street, Warwick**

The Committee considered an application from Mr Cummins for the construction of two number two-bedroom houses following the demolition of a four bedroom house.

The application was presented to Committee because a number of objections, including one from Warwick Town Council, had been received. Additionally, Councillor Mrs Higgins had made a request for this application to be presented to Committee.

The Chairman checked that all Members had read the report "Assessment for Local Listing – 36 Paradise Street, Warwick" written by the District Council's Conservation Officer.

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)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 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)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Open Space (Supplementary Planning Document - June 2009)
Distance Separation (Supplementary Planning Guidance)
The 45 Degree Guideline (Supplementary Planning Guidance)

An addendum circulated at the meeting advised Members that Warwick Town Council had objected to the application because it was felt that the house had considerable historic significance. The Town Council also considered that the mass and design of the proposal would result in intensive development and would be detrimental to the visual amenities and character of the area. The application also failed to meet the Council's parking standards and it felt that the District Council should seek guidance on listing the property.

The addendum also included comments received from the Conservation Advisory Forum (CAF) with some of its members in favour of local listing and others who felt that the property had undergone too much alteration and would not easily reconvert back into two properties. CAF Members had made some suggestions on how the proposals could be improved. Four further letters of objection had been received in respect of difficulties with parking, local listing and reinstating the property. Two adjoining residents had sent in objections reiterating their strong objections in respect of non-conformity with BRE daylight and sunlight assessments, distance separations, parking standards and local plan policies.

Three separate petitions had been received in the following terms:

- objection to layout, design and character – 39 signatures;
- objection to the District Council's vehicle parking standards SPD – 37 signatures; and

- a petition to address parking concerns within the W3 parking zone – 90 signatures.

The addendum gave advice from Highways Department in respect of parking provision and concluded that the parking requirements had not increased.

Finally, the advice from the District Council's Conservation Officer was that the building did not merit local listing because the building had been significantly updated and did not survive in its original form to the extent that such listing could be justified. The additional report provided by the Conservation Officer "Assessment for Local Listing – 36 Paradise Street" went into more explanation and detail of his assessment.

It was the officer's opinion that the proposed development was of an acceptable standard of design which would harmonise with the design and appearance of its surroundings and would not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Mr Geraghty addressed the Committee in opposition to the application, followed by the applicant, Mr Cummins, who spoke in support. Councillor Mrs Higgins addressed the Committee as Ward Councillor in opposition to the application.

Councillors were not opposed to the demolition of the building and a re-build, but felt that the proposals for the extension on the new dwellings would affect the amenity of the neighbouring property, number 38, especially in respect of obscuring light to the kitchen windows in number 38. The Committee suggested the applicant improved the design and submit another application which would not obscure light to the neighbouring property's kitchen windows.

Following consideration of the report, presentation, addendum, additional report from the Conservation Officer about Local Listing, and the representations made at the meeting, the Committee

Resolved that application W14/1625 be **refused** in relation to the rear extension which would affect the amenity of 38 Paradise Street.

(The Committee was not opposed to the demolition of 36 Paradise Street.)

135. **W14/1704 – Newbold Centre, Leicester Street, Royal Leamington Spa**

The Committee considered an application from Waterloo Housing Group for the demolition of the existing building and erection of 31 dwellings. This amended scheme was submitted following the refusal of application W14/1267 at the meeting held on 11 November 2014.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

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)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP5 - Density (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
SC14 - Community Facilities (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)
DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

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

Guidance Documents

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

An addendum circulated at the meeting advised Members that the Conservation Advisory Forum felt that the application was acceptable.

It was the officer's opinion that the amendments to the design had satisfactorily addressed the reason for refusal of the previous scheme. In particular, the reduction in height and changes in design of the top floor of the apartment block had reduced the massing of this structure. Furthermore, these changes, together with the re-siting of the apartment block, had reduced the impact on the adjacent houses in Queen Street. It

was considered that the amended scheme remained acceptable in all other respects and therefore it was recommended that planning permission be granted.

It was confirmed that there was room for one more parking space to be added to the plans and this would accord with the Council's policy on parking provision. Members therefore agreed that this should be included as an additional condition. They also requested that a note to the applicant be included in respect of the sandstone detailing being incorporated into the development.

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

Resolved that application W14/1704 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 application form, site location plan and approved drawing(s) D05J, D10, D12C, D11, D12D, D13E, D14C, D15B, D16E, D17D, D18B, D20, D21A, D22B, 13364-D1B & 13364-D2C, and specification contained therein, submitted on 24 November 2014, 25 November 2014, 26 November 2014 and 12 December 2014. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) the development shall not begin until a scheme detailing the affordable housing provisions has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

(a) the tenure split;
(b) the arrangements for the management of the affordable housing;
(c) the arrangements to ensure that such provision is affordable for both first and

subsequent occupiers of the affordable housing; and

(d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To meet the requirements of Policy SC11 of the Warwick District Local Plan 1996-2011;

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

(5) no development shall commence until details of measures to ensure that construction traffic will not deposit mud and debris within the public highway have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented at all times that construction work is taking place on site. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(6) no development shall commence until space has been provided within the site for the parking and loading / unloading of construction vehicles. This area shall be kept clear at all times for this purposes throughout the construction period. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick

District Local Plan 1996-2011;

(7) 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;

(8) no part of the development hereby permitted shall be commenced until a scheme for the provision of suitable bird nesting boxes has been submitted to and approved in writing by the local planning authority. The scheme shall include details of box type, location and timing of works. The bird boxes shall be installed in strict accordance with the approved details and shall be retained at all times thereafter. **Reason:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(9) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all retained tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall

be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(10) 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;

(11) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **Reason:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

(12) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of

the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

(13) the development shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in the document 'Biodiversity Report for Site at Newbold Centre, Leamington Spa, Warwickshire - Ecological Appraisal including Protected Species Survey' prepared by Curious Ecologists, dated 3 December 2013. **Reason:** To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(14) none of the dwellings on Plots 8-31 shall be occupied until the bin store has been constructed in strict accordance with the approved plans. The bin store shall be retained and kept available for the storage of refuse and recycling for Plots 8-31 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;

(15) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;

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

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

(18) the hard surfaces forming the car parking spaces hereby permitted shall be constructed of porous materials. **Reason:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan;

(19) prior to the occupation of the development hereby permitted, the windows in the south-facing elevation of the block of flats (plots 8-31) shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in

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

(20) a condition to add an additional car parking space.

(Meeting ended at 7.40pm)