Planning Committee

Minutes of the meeting held on Tuesday 5 January 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Also Present: Committee Services Officer – Mrs Dury; Development Manager – Mr Fisher; Legal Advisor – Mrs Gutteridge; and Senior Planning Officer – Mrs Hogarth.

140. **Apologies and Substitutes**

Councillor Miss Grainger substituted for Councillor Cain.

141. **Declarations of Interest**

Minute Number 144 – W/15/1448 – Former British Telecom Site, Althorpe Street, Royal Leamington Spa

Councillor Miss Grainger declared an interest because the application site had been discussed by Royal Leamington Spa Town Council Planning Committee, of which she was a member. She left the room whilst this application was discussed.

Minute Number 145 – W/15/1922 – Units SU9B & SU10 (Nandos Restaurant), Livery Street, Royal Leamington Spa

Councillor Miss Grainger declared an interest because she was a member of Royal Leamington Spa Town Council Planning Committee. She had not attended its Planning Committee when this application had been discussed.

Councillor Mrs Knight declared an interest because one of the public speakers objecting to the application was her husband. She was also speaking as Ward Councillor and therefore did not sit with the Committee whilst this application was discussed; nor did she participate in the decision.

Minute Number 148 – W/15/1873 – 14 Randall Road, Kenilworth

Councillor Mrs Bunker declared an interest because she knew the applicant and some of the objectors.

142. **Site Visits**

To assist with decision making, Councillors Ashford, Boad, Mrs Bunker, Cooke, Mrs Hill, Mrs Knight, Morris, Mrs Stevens and Weed had visited the following application sites on Saturday 2 January 2016:

W/15/1448: Former British Telecom Site, Althorpe Street, Royal Leamington Spa;

W/15/1820: Plot 5001, Tournament Fields, Stratford Road, Warwick; and W/15/1914: Land at Hillcrest, Haseley Knob, Haseley

Councillor Mrs Stevens visited W/15/1583 – The Willows, Wolverton Road, Norton Lindsey independently.

Councillors Mrs Hill and Mrs Stevens visited W/15/1900 – Arden Wold, Wolverton Road, Norton Lindsey independently.

143. **Minutes**

The minutes of the meeting held on 8 December 2015 were unavailable for approval and would be considered at the next Planning Committee meeting.

144. **W/15/1448 – Former British Telecom Site, Althorpe Street, Royal Leamington Spa**

The Committee considered an application from Alumno Developments for the demolition of the existing building and erection of a four storey building and a single storey link, comprising of 187 student residential accommodation, communal and management facilities, with associated private amenity space, public realm, landscaping, vehicular access, parking and servicing area, and widening of the canal towpath footway, removal of two sycamore trees and works to one sycamore tree.

The application was presented to Committee because more than five letters of support had been received for the application.

The officer was of the opinion that purpose built student housing in this location would provide regeneration to the area and support the local economy as well as delivering an attractive canal frontage and reducing the reliance on private homes for student accommodation. The way in which the accommodation would be managed in relation to car ownership and student tenancy agreements was considered to outweigh concerns there may be in relation to additional pressure for on street car parking such that the proposal, subject to a S106 agreement, was considered to be acceptable.

An addendum circulated at the meeting confirmed that a draft format of the Unilateral Undertaking had been received which was being finalised with the assistance of the Council's Green Space Manager and Solicitors. Further information had been provided by the applicant stating more benefits of the proposals. A letter of support had been received from SimplyFresh and letters objecting to the application had been received from Finescale Engineering, and Councillor Barker from Royal Leamington Spa Town Council.

Officers also recommended revisions to Conditions 2 and 10 stated in the report and a revised recommendation.

The following people addressed the Committee:

- Councillor Knight, speaking in opposition to the application on behalf of Royal Leamington Spa Town Council;
- Mrs Lawton, in opposition to the application, speaking on behalf of businesses in Althorpe Street;
- Mr Charnley, a resident of south Leamington, in opposition to the application;
- Dr Ramadan, a resident of south Leamington and a member of Charmont Residents' Group, in opposition to the application;
- Mr Ireland, a nearby resident and representing Leamington Old Town Team, in support of the application; and
- Messrs Wrighton, Campbell and Bansall, all representing Alumno Developments.

The Development Manager informed Members that the scheme was proposed to be essentially car free and would run on similar grounds to the university campus which had been very successful in controlling parking. The application included a detailed management plan and a green transport plan. Students would be required to sign a tenancy agreement, which meant they could not park within a one mile radius of the site unless prior permission had been sought; this would be enforced by means of financial penalty, and even eviction if required.

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

The Committee therefore

Resolved that W/15/1448 be **granted** subject to the conditions listed below and the completion of a legal agreement to provide for the provision and implementation of a student management plan; the provision of appropriate open space within the vicinity of the application site and the provision of improvements to the canal towpath by 31 January 2016. Should that agreement not be completed by that date, officers are authorised to refuse to grant planning permission by reason of the absence of appropriate assurances with regard to those matters.

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 numbers: Site location plan

(ref: A-L-700); Demolition Plan (ref: A-L-705); Ground Floor Plan (ref: A-L-710, Rev B); First to Third Floor Plan (ref: A-L-711) Roof Plan (ref: A-L-714) North and South Elevations (ref:A-L-720); West and East Elevations – Section A-A (ref: A-L-721); North and West Elevations (ref: A-L-722); Bay Elevation – Canalside (ref: A-L-740); Bay Elevation – Althorpe Street (ref: A-L-741); 271-(PL)-L101 Rev P2 and specification contained therein, submitted on 7 September 2015 and 14 December 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) samples of the external facing 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;

(4) 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. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the

site. Such fencing shall be satisfactorily maintained until all development has been completed. **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;

(5) no construction will be undertaken until a Construction Management Plan, which should contain a Construction Phasing Plan, details to prevent mud and debris on the public highway, and should identify suitable areas for the parking of contractor and visitors and the unloading and storage of materials, is submitted and approved in writing by both the Planning and Highway Authorities. **Reason:** In the interest of highway safety, in accordance with Policy DP6 in the Warwick District Local Plan 1996-2011;

(6) the development hereby shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. **Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and minimise the risk of pollution, in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011;

(7) the development hereby permitted shall only be undertaken in strict accordance with a scheme of site investigation of the nature and extent of contamination within the application site that has been undertaken in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall not be occupied until remediation measures have

been carried out in full accordance with such approved details and a validation report has been submitted to and approved in writing by the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

(8) prior to the demolition of the building hereby permitted, the building shall be inspected by a qualified bat ecologist. No works shall commence until a report has been submitted which is to be approved in writing by the Local Planning Authority in conjunction with the County Council. **Reason:** To ensure that no protected species are harmed in accordance with the requirements set out in Policy DAP3 in the Warwick District Local Plan 1996-2011;

(9) prior to the commencement of the development hereby permitted, engineering drawings, cross section showing the proposed construction of the permeable pavement detail and the cellular tank storage together with supplier information shall be submitted to and approved in writing by the Local Planning Authority. **Reason:** To ensure adequate drainage and minimal flood risk in accordance with Policy DP11 in the Warwick District Local Plan 1996-2011;

(10) the applicant shall submit a Green Travel Plan prior to the occupation of the building to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all times. The plan shall:

i. specify targets for the proportion of residents traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;

ii. set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;

iii. explain and justify the targets and

measures by reference to the tenancy enforcement policies of the development;

iv. identify a member of site management staff with overall responsibility for the plan and a scheme for involving residents in its implementation and development.
Reason: To promote sustainable transport choices in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011;

(11) the building hereby permitted shall be used solely as a student hall and ancillary purposes thereto, being occupied solely by persons enrolled in a full time course of further education. **Reason:** This building has been purpose designed as a student and it is considered other uses may not be appropriate having regard to the requirements of Policies DP1 and DP8 in the Warwick District Local Plan 1996-2011;

(12) the development shall not be occupied until the access, parking and manoeuvring areas of the site have been laid out in accordance with drawing no. A-L-710 Revision B. The external areas of the site shall be maintained in accordance with the approved drawing thereafter. **Reason:** In the interest of highway safety and to meet the requirements set out in Policy DP6 in the Warwick District Local Plan 1996-2011.

Prior to the first occupation of the development hereby permitted, the car parking areas, bin storage and cycle parking shall be laid out and made available, retained and kept clear from obstruction and retained as such at all times thereafter. **Reason:** To ensure that the parking area shown is available for the parking of vehicles, in accordance with Policy DP8 in the Warwick District Local Plan 1996-2011;

(13) (now part of Condition 12)

(14) the development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with 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;

(15) the Student Accommodation Management Plan submitted shall be implemented in full at all times that the premises are occupied. **Reason:** To protect the amenities of residents within the surrounding areas, in accordance with Policy DP2 in the Warwick District Local Plan 1996-2011;

(16) no external lighting or sound amplification or tannoy system shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the District Planning Authority. **Reason:** To protect the amenity of the occupiers of surrounding properties, and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan;

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

(18) the internal noise levels within bedrooms shall not exceed the BS8233 'good' internal target noise level: 30dB LAeq,8hr, with the maximum instantaneous noise level not exceeding 45dB LAmax, fast; The internal noise levels in living rooms shall not exceed the BS8233 'good' internal target noise level which is 35dB LAeq,16hr. **Reason:** To ensure that the internal noise environment is acceptable for residents of the new building and to satisfy Policies DP2 and DP9 in the Warwick District

Local Plan 1996-2011; and

(19) prior to the first occupation of the development hereby permitted, one electric vehicle charging point shall be made available to the parking spaces within the development. **Reason:** To help mitigate the air pollution effects of any extra traffic in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011.

145. **W/15/1922 – Units SU9B and SU10 (Nandos Restaurant), Livery Street, Royal Leamington Spa**

The Committee considered an application from Nando's Chickenland Limited for a variation of condition 2, planning permission W14/0695, to allow the external seating area to be used between 0930 hours and 2100 hours.

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

The officer was of the opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. Therefore, it was recommended that planning permission be granted for the variation of this condition.

The Development Manager reminded Members about a recent decision on an appeal case for a nearby restaurant, when the Planning Inspector had allowed the extension of trading hours to 9pm. There was no material difference between the application site and the one that had been successful at appeal.

The following people addressed the Committee:

- Councillor Knight, speaking in opposition to the application on behalf of Royal Leamington Spa Town Council;
- Ms Whyte, a planning consultant from First Plan, representing Nandos Chickenland Limited; and
- Ward Councillor Mrs Knight, speaking in opposition to the application.

Ms Whyte informed the Committee that the applicant would be willing to agree temporary permission for a one to two year period, but Members ruled this out in view of the Planning Inspector's recent appeal decision on another nearby unit and following advice from the Legal Advisor who said that if the position remained the same after the temporary permission expired, it would be difficult to refuse permission. Additionally, Members felt that it would be difficult to prove that the noise in the area came from Nandos, and there were other statutory powers to deal with noise nuisance.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Mrs Falp and seconded by Councillor Miss Grainger that the application be granted.

The Committee therefore

Resolved that W/15/1922 be **granted** for a variation of condition 2 of planning permission W/14/0695, subject to the following conditions:

(1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 2720/25/A, and specification contained therein, submitted on 9 May 2014. **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 use the external seating area hereby permitted before 0930 hours or after 2100 hours on any day. At all times that the external seating area is in use, the canopies to be approved under Condition 3 shall be maintained in the open position between 1700 hours and 2100 hours. No furniture within the external seating area shall be moved before 0930 hours or after 2100 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;

(3) the acoustically absorbent canopy that was approved under condition 3 of planning permission no. W14/0695 shall be retained and maintained in accordance with the approved details at all times that the external seating area is in use. **Reason:** To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;

(4) 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

(5) no more than 20 covers shall be permitted in the external seating area hereby permitted 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.

146. **W/15/1583 – The Willows, Wolverton Road, Norton Lindsey, Warwick**

The Committee considered an application from Mr and Mrs Boddington for extensions to the ground floor and removal of the existing roof structure and formation of a new pitched roof to enlarge the existing first floor footprint, including raising the existing ridge height.

The application, which had been recommended for refusal, was presented to Committee because Norton Lindsey Parish Council supported the application.

The application was for extensions / additions to the existing dwelling within the Green Belt. The officer was of the opinion that due to their size, design and scale, they were considered to constitute inappropriate development within the Green Belt to which there was an objection in principle and 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 and the NPPF and no very special circumstances had been put forward sufficient to outweigh that harm.

An addendum circulated at the meeting provided details of Norton Lindsey Parish Council's support for the application.

The following people addressed the Committee:

- Mr Baily, the architect for the proposal; and
- Ward Councillor Rhead, speaking in support.

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

The Committee therefore

Resolved that W/15/1583 be **refused** for the following reason:

(1) the proposed development by reason of its scale, bulk and massing comprises inappropriate development within the Green

Belt to which there is an objection in principle and in respect of which no very special circumstances have been demonstrated to exist sufficient to outweigh that harm by reason of inappropriateness. For that reason, the proposed development is also considered to alter the scale and massing of the dwelling to the extent that it is harmful to the existing rural character of the surrounding area.

The proposed development is therefore contrary to the National Planning Policy Framework and to Policy RAP2 of the Warwick District Local Plan 1996 - 2011.

At 8.20pm the meeting was adjourned for a 10 minute break.

147. **W/15/1900 – Arden Wold, Wolverton Road, Norton Lindsey, Warwick**

The Committee considered an application from Mr Bull for the erection of a replacement dwelling.

The application was presented to Committee because a request had been made by Councillor Phillips and the proposals had been supported by Norton Lindsey Parish Council.

The officer was of the opinion that the scheme represented inappropriate development in the Green Belt and there was an objection in principle as the proposed dwelling house was significantly larger than the bungalow it replaced (representing a floor space increase of 159%) such that the additional bulk, mass and height would therefore have a significantly greater impact upon the openness of the Green Belt and the character of the rural locality in which it was located. No very special circumstances were considered to exist to outweigh the harm and the development was thereby considered to be contrary to the aforementioned policies.

The officer had therefore recommended that the application be refused.

An addendum circulated at the meeting informed Members of officers' advice following receipt of an email from the applicant.

The following people addressed the Committee:

- Mrs Bull, the applicant; and
- Ward Councillors Rhead and Phillips, speaking in support of the application.

Members questioned whether the garage could be included within the measurement of the dwelling. Advice from the Legal Officer referred to the "Sevenoaks" precedent; but even taking the garage into consideration, the increase would still be above the 30% limit (later confirmed as a 50% increase by the Development Manager when asked by Councillor Boad). It was also pointed out that the permitted development rights on the proposal

for Arden Wold was for a single storey extension, not for two storeys as in this application. Members were advised that permitted development rights were a material consideration but it was up to them to decide how much weight to attach to this.

A motion to grant the application was proposed by Councillor Morris and seconded by Councillor Mrs Stevens, but this was defeated following the Chairman's casting vote after a vote of four votes to four.

At this point, the Committee moved onto discussion of the next application. Immediately after decision on that application, the Chairman sought clarification from the Committee on a final decision on application W/15/1900, since at that point the Committee had only decided not to grant 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 Cooke and seconded by Councillor Boad that the application be refused. The Committee voted in favour of this motion five votes to four.

The Committee therefore

Resolved that W/15/1900 be **refused** for the following reason:

(1) the proposed development by reason of its scale, bulk and massing comprises inappropriate development within the Green Belt to which there is an objection in principle and in respect of which no very special circumstances have been demonstrated to exist sufficient to outweigh that harm by reason of inappropriateness. For that reason, the proposed development is also considered to introduce a new dwelling of a scale and mass which is harmful to the existing rural character of the surrounding area.

The proposed development is therefore contrary to the National Planning Policy Framework and to Policy RAP3 of the Warwick District Local Plan 1996 - 2011.

148. **W/15/1873 – 14 Randall Road, Kenilworth**

The Committee considered a part retrospective application from Mr Parry for the erection of a two story rear extension and a single storey side / front extension.

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

The officer was of the opinion that the proposed extension had a satisfactory design, relationship with the parent building, an acceptable impact on neighbours, sat comfortably in the street scene and did not harm ecology. Therefore, the proposal was considered to comply with Adopted Local Plan Policies DP1 and DP2, the Council's 45 Degree Guidance and Residential Design Guide SPGs.

An addendum circulated at the meeting gave details of a further objection from a resident in a neighbouring property.

The following people addressed the Committee:

- Councillor Nelson, speaking against the application on behalf of Kenilworth Town Council;
- Messrs Jansen and Rickers, local residents, opposed to the application; and
- Miss Robbins, the applicant.

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

The Committee therefore

Resolved that W/15/1873 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 no. M1526_PL_DRG_01 Rev 0, and specification contained therein, submitted on 11th November 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(2) the roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

(3) within 3 months from the date of this permission, 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. Within 3 months of the approval of the scheme the scheme shall be implemented in accordance with the approved details 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; and

(4) within one month of the completion of the development hereby permitted, the whole of the side elevation of the development facing towards No.12 shall be painted white and retained as such at all times thereafter. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

149. **W/15/1914 – Land at Hillcrest, Haseley Knob, Haseley, Warwick**

The Committee considered an application from Mrs Johnson for the erection of two detached three bedroom dwellings with integral garages, new vehicular access and associated works.

The application was presented to Committee because an objection from Beausale, Haseley, Honiley and Wroxall Parish Council had been received.

The officer was of the opinion that the development was acceptable in principle and 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 circulated at the meeting gave details of further comments received from Beausale, Haseley, Honiley and Wroxall Joint Parish Council in objection to the application, followed by officers' response to these comments.

The following people addressed the Committee:

- Councillor Slatem, speaking against the application on behalf of Beausale, Haseley, Honiley and Wroxall Parish Council;
- Mr Hammond, the planning consultant for the application; and
- Ward Councillor Gallagher, speaking against the application.

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

The Committee therefore

Resolved that W/15/1914 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) 1531-01, 1531-02, 1531-03 and specification contained therein, submitted on 16/11/15, except as required by pre-commencement conditions 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) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(4) the development hereby permitted shall not

commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted on the south and west side of the development and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
- LEDs with low wattage should be used with preference.
- Yellow filters can be used to reduce the blue spectrum light
- the brightness of lights should be as low as legally possible;
- lighting should be timed to provide some dark periods;
- connections to areas important for foraging should contain unlit stretches.
Reason: To ensure that any lighting is designed and appropriate measures are taken in relation to protected species in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and the NPPF;

(5) the development hereby permitted shall not commence until a detailed schedule of great crested-newt mitigation measures (to include timing of works, protection measures, enhancement details, monitoring and further survey if deemed necessary) produced by a suitably qualified ecologist, has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **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 and the NPPF;

(6) the development hereby approved shall not commence unless and until details of all earthworks, site remodelling, retaining walls, removal of excess earth and the finished floor levels of approved buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, has been submitted to and approved in writing by the

Local Planning Authority. All details shall be implemented as approved. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory development of the site and its relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

(7) 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;

(8) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellings hereby permitted; and all planting shall be carried out in accordance with the

approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species. 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;

(9) 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. Details must include any existing and proposed drainage systems for the site, showing the location of yard gullies, manholes soakaways, and pipes including shape, material, pipe falls in relation to the proposed building. **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;

(10) the development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which have been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and 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;

(11) 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;

(12) the access to the site for vehicles shall not be used in connection with the development hereby permitted unless and until it has been surfaced with a suitable bound material for its whole length of 7.5 metres as measured from the near edge of the public highway. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(13) the development shall not be commenced until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 120.0 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. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(14) 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;

(15) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor window(s) to be formed in the side facing elevation of Plot 1 hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011; and

(16) the areas indicated on the approved drawings for vehicular manoeuvring space and parking, including the integral garage parking spaces, shall at all times be kept free of obstruction and be available for those purposes. **Reason:** To ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety in accordance with Policy DP8 of the Warwick District Local Plan 1996-2011.

150. **W/15/1667 – 7 Carter Drive, Barford, Warwick**

The Committee considered an application from Mrs Hawkesford for the construction of a jetty to the rear of the garden adjacent to the River Avon.

The application was presented to Committee because an objection had been received from Barford, Sherbourne and Wasperton Joint Parish Council.

The officer was of the opinion that the proposed scheme would reflect local distinctiveness and reinforce the established character of the river bank. There would be no harm to the character and appearance of the Conservation Area. It was therefore concluded that the scheme would comply with the requirements of the aforementioned policies.

An addendum circulated at the meeting informed Members of further supporting information that had been received and that the Environment Agency did not object to the proposals.

Following consideration of the report, presentation, and information contained in the addendum, it was proposed by Councillor Mrs Knight and seconded by Councillor Mrs Falp that the application be granted.

The Committee therefore

Resolved that W/15/1667 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); and

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 862.02C, and specification contained therein, submitted on 17th November, 2015. **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.

151. **W/15/1820 – Plot 5001, Tournament Fields, Stratford Road, Warwick**

The Committee considered an application from Mr Shanley for the construction of an office headquarters (B1 unit).

The application was presented to Committee because of the timescale required for the decision.

The officer was of the opinion that the proposal would provide a high quality development in accordance with the approved development brief for the area, contribute towards economic development and would provide adequate parking and access arrangements and therefore complied with the policies listed in the report and the NPPF.

An addendum circulated at the meeting informed Members that Warwick Town Council supported the application, but had raised concerns about car parking; Warwickshire County Council Landscape did not object to the application, but had advised that to ensure proper establishment of the landscaping, the standard five year period protection should apply (this had been reflected in the Warwick District Council officer's report); and that Warwickshire County Council Highways had not objected to the application.

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

The Committee therefore

Resolved that determination of application W/15/1820 be delegated to officers in consultation with the Chairman in the absence of any representations not considered by the Planning Committee. If it is granted then it should be subject to at least the following conditions:

(1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 0301; 0302; 0303; 0304; 0306 Rev00 & 0307 Rev00 and specification contained therein, submitted on 4th November 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(4) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which

have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the offices 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;

(5) the development hereby permitted shall not commence until details have been submitted to and approved by the Local Planning Authority of an odour mitigation solution to provide a suitable internal environment within the proposed office accommodation. **Reason:** To ensure suitable protection from odour in accordance with Policy DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(6) 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;

(7) no phase of the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings for that phase have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **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;

(8) the development hereby permitted shall not commence unless and until two weeks' notice in writing of the start of works has been given to a qualified ecologist appointed by the applicant to supervise all ground work elements of the development within the site and a report outlining the findings shall be submitted to and approved in writing by the Local Planning Authority. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DAP3 of the Warwick District Local Plan 1996-2011;

(9) prior to occupation shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition the District Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows, around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps
b. the brightness of lights should be as low as legally possible
c. lighting should be timed to provide some dark periods
d. connections to areas important for foraging should contain unlit stretched.
The agreed scheme to be fully implemented before/during development of the site as

appropriate. **Reason:** To ensure appropriate measures are taken in relation to protected species in accordance with Policy DAP3 of Warwick District Local Plan 1996-2011;

(10) the development shall be carried out only in full accordance with details of the facing and roofing materials as indicated on the approved drawings. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011; and

(11) the development hereby permitted shall either:

a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.
Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

152. **W/15/1851 – 15 Mark Antony Drive, Warwick Gates, Warwick**

The Committee considered a retrospective application from Mr Pol for a change of use of land to garden land, erection of a detached outbuilding and a boundary wall.

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

The officer was of the opinion that the application did not have enough significant impact and there was no significant change in the street scene to recommend refusal.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Knight and seconded by Councillor Miss Grainger that the application be granted.

The Committee therefore

Resolved that W/15/1851 be **granted** subject to the following condition:

(1) the development hereby permitted relates strictly with the details shown on the site location plan and approved drawings, and specification contained therein, submitted on 12 November 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

153. **W/15/1867 – 9b The Bank, Stoneleigh**

The Committee considered an application from Mr Sheward for the conversion of one detached dwelling house into two, three bed dwellings.

The application was presented to Committee because an objection from Stoneleigh and Ashow Parish Council.

The officer was of the opinion that the application was considered to be acceptable and would not result in harm in terms of impact on the character or visual appearance of the Conservation Area or street scene, with no adverse impact on the living conditions of nearby residents.

Following consideration of the report and presentation, it was proposed by Councillor Ashford and seconded by Councillor Boad that the application be granted.

The Committee therefore

Resolved that W/15/1867 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); and

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing number 003 and 004 and specification contained therein, submitted on 10 November 2015. **Reason:** For the

avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

154. **Planning Appeals report**

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

Resolved that the report be noted.

(The meeting ended at 10.12 pm)