Planning Committee

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

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

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

44. **Substitutes**

Councillor Naimo substituted for Councillor Mrs Knight.

45. **Declarations of Interest**

Minute Number 61 – W15/0767 – Land rear of Cherry Street, Warwick

There were no declarations of interest for this item.

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

The Committee considered an application from Rowney Properties Limited for a variation of Condition 9 (highway works) of planning application W/13/0659 for the erection of nine two storey houses and associated car parking to state "prior to occupation" instead of "prior to commencement".

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

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)
It was the officer's opinion that the only issue in the consideration of this application was whether there was a highway safety objection to the proposed variation.

The Highways Authority had not raised any objections to the variation because it was considered that no highway safety harm would result from the proposed completion of the highway works prior to the occupation of the properties. Further, the proposed revised wording was in accordance with the current wording of the legal agreement that the developer would enter into with the Highways Authority to ensure that the highway works were completed appropriately.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Bunker and seconded by Councillor Cain that the application was granted as per the recommendations in the report.

Resolved that application W15/0767 be **granted** for a variation of Condition 9 (highway works) of planning application W/13/0659 for the erection of nine two storey houses and associated car parking to state "prior to occupation" instead of "prior to commencement" subject to the following conditions:

(1) the development hereby permitted must be begun not later than the expiration of three years from the date of planning permission W/13/0659 granted on 10th July 2013 . **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 approved drawing numbers 2516-003 Rev E and -004 Rev B, and specification contained therein, received on 16th June 2010 unless first agreed otherwise in writing by the District Planning Authority. **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) before the development hereby permitted is begun, the further written approval of the District Planning Authority shall be obtained for details of the design and construction of the estate roads and footways serving the development, if they are not to be adopted as a public highway. These details shall include large scale plans and cross and longitudinal sections, showing design, layout, construction of the estate together with surface water drainage to outfall. **Reason:** To ensure compliance with the Council's standards, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(4) no development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse for each dwelling have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **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;

(5) no development shall be carried out on the site which is the subject of this permission, until details of the treatment of the exposed wall of the existing house, following demolition of the adjoining property, have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** In the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

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

(7) the developer shall provide a 'sustainable welcome pack' to each household on occupation of each unit, such a pack to be based on the pack available from Warwickshire County Council. **Reason:** To encourage sustainable transport as alternatives to using private cars in accordance with government objectives;

(8) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within classes A, B, C, or D of Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **Reason:** To retain control over future development of the premises in the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

(9) the development hereby permitted to be carried out shall not be first occupied until the vehicular access improvements and re-configuration in Cherry Street have been carried out in full compliance with the approved plan. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

(The meeting ended at 10.25 pm)