PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 8 December 2010 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Illingworth (Chairman); Councillors Mrs Blacklock, Mrs Bunker, Copping, Crowther, Ms Dean, Dhillon, Mrs Higgins, Rhead and Weed.

An apology for absence was received from Councillors Ms Dean and Kirton.

Councillor Weed substituted for Councillor Ms Dean.

126. **DECLARATIONS OF INTEREST**

Minute Number 130 - W10/ 0991 – 57 Fishponds Road, Kenilworth

Councillors Mrs Blacklock and Illingworth declared personal interest because it was in their ward.

Minute Number 132 - W101177 – 50 Warwick Street, Royal Leamington Spa

Councillor Crowther declared a person interest because it was in his ward.

Minute number 134 - W10/1275 – 48 – 50 Priory Road, Kenilworth

Councillor Mrs Blacklock declared a personal interest because she knew some of the objectors.

Councillor Crowther declared a personal interest because he knew one of the objectors.

Councillor Illingworth declared a person interest because it was in his ward.

Minute Number 135 – W10/1313 – 53 Coten End, Warwick

Councillor Rhead declared a personal and prejudicial interest because he knew the applicant and the objector. He left the room whilst this item was discussed.

Minute Number 138 - W10/0160 – Cape Road, Lower Cape, Warwick

Councillors Dhillon and Mrs Higgins declared a personal interest because it was in their ward.

Minute Number 140 - W10/0920 – 2 Church Street, Warwick.

Councillors Dhillon and Mrs Higgins declared a personal interest because it was in their ward.

Minute Number 141 - W10/0921 LB – 2 Church Street, Warwick

Councillors Dhillon and Mrs Higgins declared a personal interest because it was in their ward.

Minute number 142 – W10/0942 – 131 – 137 Regent Street, Royal Leamington Spa

Councillors Crowther and Mrs Blacklock declared a personal interest because it was in their ward.

Minute Number 144 - W10/1260 – Blackfriars House, 6 West Street, Warwick

Councillors Dhillon and Mrs Higgins declared a personal interests item because it was in their ward.

127. **MINUTES**

The minutes of the meetings held on 10 November 2010 were taken as read, approved and signed by the Chairman as a correct record.

128. **W10/1060 – 18 COVENTRY ROAD, BAGINTON, COVENTRY**

The Committee considered an application from Mrs Kurzberg for a rear extension.

The application was presented to the Committee because an objection had been received from Baginton Parish Council. This item had been deferred at the 10 November 2010 Committee to allow for public speaking.

The case officer considered the following policies relevant;

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
Planning Policy Guidance 2 : Green Belts
The 45 Degree Guideline (Supplementary Planning Guidance)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the case officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the relevant policies.

Canon Tilley addressed the Committee in objection to the application. He highlighted that the proposal would affect the light entering his premises.

Ms Kurzberg addressed the Committee explaining that she had complied with what the planning officers had advised her and that she had removed a larger hedge and replaced it with a wall which was lower and would give more light to neighbours.

Following consideration of the report, presentation and representations made the Committee were of the opinion that the application should be granted in accordance with the recommendation.

RESOLVED that application W10/1060 be GRANTED 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 this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number KURZ:09:04 A and specification contained therein, submitted on 26 October 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) 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

(4) the development hereby permitted shall not commence unless and until two weeks notice in writing of the start of the works shall have been given to the Warwickshire Museum as the nominated representative of the District Planning Authority (Contact the Planning Archaeologist on 01926 412734, email planningarchaeologist@warwickshire.gov.uk). During the construction period the developer shall afford access at all reasonable times to representatives of the Museum and shall allow them to observe the excavations and record items of interest and find. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick

District Local Plan 1996-2011.

129. **W10/0865 – St CHAD'S CHURCH, CHURCH HILL, BISHOPS TACHBROOK**

The Committee considered an application from The PCC St. Chad's Church for the erection of a single storey church hall with ancillary accommodation.

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

The case officer considered the following policies relevant;

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
Planning Policy Statement 5: Planning for the Historic Environment

It was the case officer's opinion that the development was of an acceptable standard of design which was in keeping with the architectural and historic character of the Conservation Area within which the site was located, and which would not adversely affect the setting of the listed Church. It was considered that the loss of the two Lime trees would be outweighed by the benefits of the proposed church hall. Furthermore, it was considered that the proposal would have an acceptable impact on the living conditions of nearby dwellings and would not be detrimental to highway safety. The proposal was therefore considered to comply with the relevant policies.

An addendum was circulated at the meeting which showed a further letter of objection that had been received.

Mr Brookes, Ms Warner, Mr Norris and Councillor Doody, who is the Ward Councillor, addressed the Committee in objection to the application. They highlighted that there would be a noise issue coming from the building if built and that it would not be in keeping with the listed buildings nearby, they added that parking near the church was also an issue.

Councillor Leeke from Bishop's Tachbrook Parish Council and Mr Day addressed the Committee in support of the application informing the

Committee that this building would benefit the community and be welcomed.

Following consideration of the report, presentation, representations made and the information contained within the addendum, the Committee were of the opinion that the application should be deferred to obtain further observations of Conservation Architect in light of PPG5.

RESOLVED that application W10/0865 be DEFERRED.

130. **W10/0991 – 57 FISHPONDS ROAD, KENILWORTH**

The Committee considered an application from Tommies Childcare Limited for the variation of conditions 2 and 3 of planning application reference W07/1614, to permit 12 children in the garden instead of 6 and to vary the starting time from 08.00 hours to 07.30 hours.

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

The case officer considered the following policies relevant;

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

It was the case officers opinion that the variation in hours of operation and increased number of children permitted in the garden would not give rise to any unreasonable harmful effects in terms of loss of residential amenity which would justify refusal permission. The proposal was therefore considered to comply with the relevant policies.

An addendum was circulated at the meeting which showed comments received by the planning department from a local resident who was objecting to the application.

Councillor Michael Coker, who was speaking on behalf of the Ward Councillor, addressed the committee in objection to the application. He told the Committee that people living nearby already had problems with noise levels permitting the garden to be used by 12 children would add to this and that cars pulling up earlier in the morning would also cause problems.

Following consideration of the report, presentation, representations made and the information contained within the addendum, the Committee were of the opinion that the application should be granted in accordance with Officer's recommendation subject to condition 3, which is outlined in the report, to be amended to only allow 6 children in the garden not 12 and the condition to include 'having particular regard to the limited size of the rear garden and its relationship to neighbouring properties'.

RESOLVED that application W10/0991 be GRANTED 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 this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(2) the total number of children attending the day nursery shall not at any time exceed 30 and the day nursery shall only be operated between the hours of 07.30 and 18.00 on Mondays to Fridays. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011; and

(3) the garden shall only be used between the hours of 10.00 and 16.00 and the maximum number of children using it at any one time shall be six, with those children being supervised by at least two suitably qualified adults. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011 and having particular regard to the limited size of the rear garden and its relationship to neighbouring properties.

131. **W10/1166 – WOODSIDE FARM, HASELEY KNOB, HASELEY**

The Committee considered an outline application from Mr D Craddock for the erection of a permanent dwelling for an agricultural/rural occupational worker, with biodisc treatment plant and use of existing access.

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

The case officer considered the following policies relevant;

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)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
Planning Policy Guidance Note 2: Green Belts.

It was the case officer's opinion that the farming business was not financially sound with a clear prospect of remaining so and to permit the erection of a permanent dwelling would be contrary to the local plan policy and to the guidance of Agricultural dwellings contained in PPS7 'Sustainable Development in Rural Areas'.

An addendum was circulated at the meeting showing a comment from CPRE (Council Protection of Rural England).

Mr Craddock and Councillor Mrs Gallagher addressed the Committee in support of the application asking that the outline application be granted due to its need to enable to farm to operate and grow.

Following consideration of the report, presentation, representations made and the information contained within the addendum, the Committee considered that the applicant had made sufficient progress in the establishment of a farming business such that in their own opinion both the functional and financial tests set by Planning Policy Statement 7, Sustainable Development in Rural Areas, had been met. Therefore the application was granted contrary to the officer's recommendation.

RESOLVED that application W10/1166 be GRANTED subject to standard outline planning conditions, agricultural occupancy, renewables and a size limit of 150 sq.m.

132. **W10/1177 – 50 WARWICK STREET, ROYAL LEAMINGTON SPA**

The Committee considered a retrospective application from Rhubarb for the change of use of the premises from mixed use as shop (Use Class A1) and restaurant and cafe (Use Class A3) to restaurant and cafe (Use Class A3).

The application was presented to the Committee in order to request that enforcement action be taken.

The case officer considered the TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011) policy relevant to the application.

It was the case officer's opinion that the proposed change would result in harmful concentration of non-A1 uses in the Secondary Retail Frontage, which would detract from the vitality and viability of this part of the Town Centre.

Mr Manning addressed the Committee in support of the application. He explained that the applicants did not know that they did not have appropriate usage permission and without the approval they did not think they would be able keep trading.

Following consideration of the report, presentation and representations made the Committee considered that this site had a particular planning history with a significant proportion of this premise already being lawfully in A3 use and the balance of the property having been in A3 use for some years without complaint. It was not considered that the continued A3 use of the whole of the premises would harm the streetscene or the vitality/viability of this part of the town centre and given the particular circumstance of this application, it was not considered that an undesirable precedent would be set by the grant of this permission. Therefore, the application was granted contrary to the officers recommendation.

RESOLVED that application W10/1177 be GRANTED.

133. **W10/1237 – 51 HILL STREET, WARWICK**

The Committee considered an application from Mr J Jackson for the extensions to the time limit on planning permission W05/1210 for the erection of two storey block of six apartments.

The application was presented to the Committee because of the number of objections received and the need for a legal agreement.

The case officer considered the following policy relevant;

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)

It was the case officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did no adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the relevant policies.

An addendum was circulated at the meeting which explained that the applicant had offered to speak with neighbours regarding a boundary hedge and that the Packwood Mews Company LTD had submitted a copy of their statement and photographs to the Committee.

Ms H Muir, who was representing numbers 2 to 6 Packwood Mews and the Packwood Mews Company LTD, addressed the committee in objection to the application. She told the Committee of concerns residents had regarding the trees and shrubbery and possible over development that would not be in keeping with the character, landscape or environment. They also asked that the Committee only granted an extension of 1 year.

Mrs Fox addressed the Committee in support of the application. She explained that a 1 year extension was not long enough to enable renovation and that a reasonable time limit was needed.

Following consideration of the report, presentation, representations made and the information contained within the addendum, the Committee were of the opinion that the application be granted in accordance with the officer's recommendation.

RESOLVED that application W10/1237 be GRANTED subject to the completion of a section 106 Agreement covering a contribution towards open space division and the following conditions:

(1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and

Compulsory Purchase Act 2004;

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 2006/III/2,2006III/3, and specification contained therein, submitted on 15th July 2005 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 Local Plan Policy ENV3;

(3) no development shall take place until details of all external facing materials have been submitted to and approved by the District Planning Authority. 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 Policies DP1 and DP3 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 satisfactory details of boundary treatment 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 ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(6) the development hereby permitted shall not be brought into use until the proposed means of access has been constructed in strict compliance with details approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(7) 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 site, or in the locality, 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. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(8) the car park hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in accordance with details which have previously been approved by the District Planning Authority. **REASON** : To ensure that adequate parking facilities are available, in accordance with the

requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

(9) the development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and

(10) the ground floor windows in the southern and northern elevations of the property hereby permitted shall be obscure glazed and retained as such at all times thereafter. REASON : To protect the amenity of the occupiers of nearby properties.

134. **W10/1275 – 48-50 PRIORY ROAD, KENILWORTH**

The Committee considered an application from Mr Harban for the demolition of existing building (Offices and dwelling) and the erection of six 2 bedroom apartment dwellings with associated off road parking.

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

The case officer considered the following policy relevant;

DP13 - Renewable Energy Developments (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)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

It was the case officers opinion that the proposed development was of an acceptable standard of design and scale which would harmonise with the character of its surroundings and did not result in an unacceptable adverse

impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The level of car parking provision was considered to be such that any overspill parking would not be so significant that a refusal of consent was warranted. The proposal was therefore considered to comply with the relevant policies.

An addendum was circulated at the meeting which recommended a further condition from the Case Officer.

Ms Wheat and Councillor Coker, who was the Ward Councillor and also speaking on behalf of Kenilworth Town Council, addressed the Committee in objection to the application explaining that the building would not respect the other buildings within the street, that it would cause a negative visual impact due to size and parking issues.

Mr Harban addressed the Committee in support of the application explaining that parking would not be a problem and that the current building is in need of work but they wanted to provide a building that was in keeping with the surrounding area.

Following consideration of the report, presentation, representations made and the information contained within the addendum, the Committee were of the opinion that the application be refused contrary to the officer's recommendation.

RESOLVED that application W10/1275 be REFUSED for the following reasons:

(1) the unacceptable overdevelopment of the site, contrary to Policy DP1 (street scene);

(2) the adverse impact on neighbours' amenity (to adjacent neighbours to both side and rear) by reason of its size and scale, contrary to Policy DP2;

(3) the unacceptable level of amenity space for future residents in the proposed development, contrary to Policy DP2; and

(4) insufficient level of on-site car parking, contrary to Policy DP2 and adopted car parking standards.

135. W10/1313 – 53 COTEN END, WARWICK

The Committee considered an application from Brazen Ink Tattoo Parlour for the change of use from A1 (Travel Agent) to 'Professional Tattoo parlour' (sui generis).

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

The case officer considered the following policy relevant;

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)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
UAP4 - Protecting Local Shopping Centres (Warwick District Local Plan1996 - 2011)

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of the character and appearance of the area which would justify a refusal of permission. The proposal was therefore considered to comply with the relevant policies.

An addendum was circulated at the meeting which set out a letter received from the applicant's solicitors addressing a number of issues that had been made in objection letters.

Mrs Susan Crowther and Mr Bernard Thorogood addressed the Committee in objection to the application explaining that there were young families and elderly people in the area and that this was not meeting the needs of people living there.

Miss Trey Burnside addressed the Committee in support of the application explaining that the building would be unchanged with no bright signs being put up.

Following consideration of the report, presentation, representations made and the information contained within the addendum, the Committee were of the opinion that the application be granted in accordance with the officer's recommendation.

RESOLVED that application W10/1313 be GRANTED subject to the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

136. **ADJOURNMENT OF MEETING**

The Chairman adjourned the meeting of Wednesday 8 December 2010 to Thursday 9 December 2010 at 6.00pm.

(The meeting adjourned at 10.35 pm)

RESUMPTION OF THE ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday 9 December 2010 the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Illingworth (Chairman); Copping, Crowther, Dhillon, Mrs Higgins, Rhead and Weed.

Apologies for absence were received from Councillors Mrs Blacklock and Kirton.

137. W10/1169 – LAND OFF QUEENSWAY, ROYAL LEAMINGTON SPA

The Committee considered an application from Aldi Stores Limited / Deeley Properties Limited for erection of a new Aldi retail food store (Use Class A1), with associated car parking and landscaping; erection of business units (Use Classes B1(b) and (c), B2 & B8) and a building for the display and sale of motorcycles (SuiGeneris) with associated car parking and landscaping.

The application was presented to the Committee due to the issues of planning policy raised by the application and the need for a Section 106 Agreement.

The case officer considered the following policies to be relevant:

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
SC4 - Supporting Cycle and Pedestrian Facilities (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)
SSP1 - Employment Allocations (Warwick District Local Plan 1996 - 2011)
UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
UAP6 - Motor Vehicle Sales (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
Planning Policy Statement 4 : Planning for Sustainable Economic Growth

It was the case officer's opinion that the development would allow a new 'deep discounter' store to be constructed in a satisfactory location whilst bringing forward a development of business units on an allocated employment site. Given the particular details of the application, and the fact that the site had remained vacant for over 10 years, it was felt that the 'mixed' development would be in general accordance with both the policies in the Warwick District Local Plan and Government policy in PPS4, Planning for Sustainable Economic Growth. The retail element would adjoin existing retail units accessed off Tachbrook Park Drive. To ensure that the retail scheme delivered the proposed 'kick–start' of the development of business units on the adjoining land it was felt to be wholly reasonable for the development to be the subject of a Section 106 Agreement, to be satisfactorily concluded before the issue of any planning permission.

The Committee noted that the applicant had been advised that there were public sewers which crossed the site and therefore to contact Severn Trent

Water to ensure adequate provision was made for essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the recommendations, subject to the amendment of conditions 10, 18 and 27(5) in order to tighten controls on the development.

RESOLVED that application W10/1169 be GRANTED subject to the completion of a section 106 Agreement and the following conditions:

(1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing subject to the details contained in the following plans:-

R06A62-2000FS-W001 Rev B - Site Location Plan
R06A62-2000FS-W002 Rev F - Proposed Site Plan
R06A62-2000FS-W003 Rev F - Full Site Plan including Commercial Units
R06A62-2000FS-W004 Rev E - Proposed Drainage Plan
R06A62-2000FS-W005 Rev F - Proposed Landscaping Plan
R06A62-2000FS-W200 Rev A - Proposed Floor Plan
R06A62-2000FS-W201 Rev A - Proposed Elevations
R06A62-2000FS-W203 - Roof Plan
R06A62-2000FS-W300 - Proposed Sections: A-A, B-B
R06A62-2000FS-W301 - Proposed Sections: C-C, D-D
R06A62-2000FS-W302 - Proposed Sections: E-E
R06A62-2000FS-W303 Rev B - Proposed Site Sections
P01 Rev H - Proposed Site Layout Commercial Units
P02 Rev C - Site Sections and Elevations Proposed Commercial Units
P03 Rev C - Unit Floor Plans Commercial Units

20026-02-001 Rev B - Preliminary Drainage Strategy Commercial Units

and specification contained therein, 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) notwithstanding the details contained in the submitted plans, samples of all 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) the landscaping scheme for the Aldi retail store submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of the Aldi retail store development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **REASON**: To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

(5) full details (including noise levels and location) of any plant likely to cause noise outside any building hereby permitted, including air conditioning, ventilation, refrigeration and compaction systems shall be submitted to and be approved in writing by the District Planning Authority before it is first installed. The installation and subsequent operation of the plant shall be undertaken strictly in accordance with the approved details. **REASON**: To protect the amenity of the locality in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011;

(6) 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 nearby properties, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

(7) no development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment to that development 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 ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(8) no development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse 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;

(9) no materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site. **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;

(10) no unit hereby permitted shall be first occupied unless and until a scheme showing how 10% of the predicted energy requirement for that unit will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority and all the works within the scheme approved for that unit have

been completed; thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(plus addition of business and retail to condition 10 – not sure where to put this!)

(11) the car parks and cycle parking facilities hereby approved shall be constructed, surfaced, laid out and be available for use prior to the first occupation of the development to which they relate in accordance with a schedule of allocation of car and cycle parking first submitted to and approved in writing by the District Planning. They shall thereafter be retained available for car and cycle parking at all times. **REASON**: To ensure that adequate parking facilities are available in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

(12) notwithstanding the provisions of the Town and Country (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the food store premises shall be used as a deep discount retail store only and for no other purpose within Class A1 including the sale of comparison goods. **REASON**: To satisfy the requirements of Policy UAP3 in the Warwick District Local Plan 1996-2011;

(13) the retail sales area open to the public shall be restricted solely to the area identified as the retail area on the approved Drawing No. R06A62-2000FS-W200A with non-food sales being restricted to a maximum of 15% of the total retail sales area. Furthermore, the retail floor area shall not contain a fresh meat counter, a fresh fish counter, a delicatessen, a hot food counter, a cafe/restaurant, a pharmacy, a post office service, a photocopying service and there should be no lottery sales or the sale of magazines, newspapers, greeting cards or tobacco and related products within the retail area at any time. **REASON**: To satisfy the requirements of Policy UAP3 in the Warwick District Local Plan 1996-2011;

(14) the business units identified as Units 1 to 10 on the approved Drawing No. R06A62-2000FS-W003F shall be used solely for uses falling within Classes B1(b) or B1(c) or B2 or B8 as defined in the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) with the exception of Unit 1 which can be used as a mixed 'sui generis' use for the repair, servicing, sale and display of motorcycles only. **REASON**: To ensure compliance with Policies SC2 and UAP6 of the Warwick District Local Plan, 1996-2011;

(15) within 6 months of the opening to the public of the retail store, Units 2a, 2b, 3, 4, 5, 6a, 6b, 6c and 6d as identified on the approved Drawing No. R06A62-2000FS-W003F shall be constructed to a shell finish and the associated infrastructure thereto shall be completed to enable their occupation. **REASON**: To ensure compliance with Policies UAP3 and SC2 in the Warwick District Local Plan 1996-2011;

(16) deliveries to or from the Aldi retail store hereby approved site shall only take place between the hours of 0700 to 2100 Monday to Saturday and 0900 to 1800 on Sundays and at no other times. **REASON**: To protect the amenity of local residents to comply with the requirements of Policy DP2 in the Warwick District Local Plan 1996-2011;

(17) a scheme for the eradication of all Japanese Knotweed within the site shall be submitted to and be approved in writing by the District Planning Authority before the development hereby permitted is first commenced. Such scheme shall be implemented strictly as so approved. **REASON**: To ensure that the site is available for this development and to ensure a high standard of development in accordance with the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

(18) there shall be no burning of waste within the site at any time without prior permission of Warwick District Council and a scheme to ensure the suppression of dust during the construction of the development hereby permitted shall be submitted to and be approved in writing before the commencement of the development hereby permitted. The development shall be carried out strictly as so

approved. **REASON**: To protect the amenity of the locality and to ensure a satisfactory form of development in accordance with Policies DP1 and DP2 in the Warwick District Local Plan 1996-2011;

(19) the development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and 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 to minimise the risk of pollution in accordance with Policies DP1 and DP9 in the Warwick District Local Plan 1996-2011;

(20) prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:
   - all previous uses
   - potential contaminants associated with those uses
   - a conceptual model of the site indicating sources, pathways and receptors
   - potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the

remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved. **REASON**: To ensure the protection of controlled waters and to prevent pollution in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011;

(21) prior to development being first commenced a verification report demonstrating completion of the works set out in the approved remediation strategy in accordance with Condition 20 above and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the District Planning Authority. **REASON**: To ensure the works have been carried out in line with the approved strategy in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011;

(22) if, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the District Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the District Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. **REASON**: To ensure there is a mechanism in place to allow for amendments to the remediation strategy in accordance with the

Policy DP9 in the Warwick District Local Plan 1996-2011;

(23) no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the District Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. **REASON**: To ensure preferential pathways are not created to mobilise contaminants into the underlying groundwater, in accordance with the Policy DP9 in the Warwick District Local Plan 1996-2011;

(24) the development hereby permitted shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the District Planning Authority together with a schedule of timing for the construction of the proposed works.

The scheme shall also include;

1) A drainage strategy submitted in accordance with Addendum SLR, ref 408-2748-00003, 20th October 2010 and Proposed Drainage Plan (Dwg No. R06A62 - 2000FS - W0004, Rev E, '0-06-9)
2) A drainage strategy submitted in accordance with M-EC Design Calculations Front Sheet, Project No. 20026, Sheet 1, 19.10.10. Rev A and M-EC Preliminary Drainage Strategy (Dwg No. 20026_02_001. Rev B, 16.04.10)
3) Details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these, in accordance with Policy DP09 in the Warwick District Local Plan 1996-2011;

(25) prior to first occupation of any part of the development hereby permitted the developer is required to carry out the highway improvement works in accordance with a scheme approved in writing by the District Planning Authority in consultation with the Highway Authority so as to provide for the following:

i) Provision of yellow junction markings at the proposed junction of the access to the retail store with the public highway Queensway.
(ii) Widening of the existing section of footway between the cycleway/pedestrian crossing signals on the public highway Queensway, located to the east and west of the application site, to provide for a 2.5 metre shared facility connecting these two points.
(iii) Improvements of the existing access junction and carriageway/footways to the development site via the public highway Queensway Trading Estate.
(iv) The existing access within the public highway to the western boundary of the site shall be closed with the kerb line, footway and verge have been reinstated, whilst retaining/remodelling the adjacent service access to ensure satisfactory provision for service vehicles associated with the adjacent site is maintained, all to be in accordance with the standard specification of the Highway Authority.
(v) Provision of a shared cycleway/pedestrian link between Queensway and Tachbrook Park Drive.
REASON: To ensure the provision of satisfactory site access and highway safety in accordance with Policy DP6 of Warwick District Local Plan 1996-2011;

(26) the retail unit identified as the Aldi Retail Unit on the approved Drawing No. R06A62-2000FS-W003F shall not be first occupied unless and until:-
(i) An access for vehicles has been provided to the site not less than 6.1 metres or greater than 7.5 metres in width for a distance of 20.0 metres, as measured from the near edge of the public highway carriageway.
(ii) The gradient of the access for vehicles shall not be steeper than 1 in 15 for a distance of 20.0 metres, as measured from the near edge of the public highway carriageway.
(iii) The access to the site for vehicles shall not be used until it has been provided with not less than 7.5 metre kerbed radius turnouts on each side.
(iv) The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway.
(v) The access to the site for vehicles shall not be used unless the bellmouth has been laid out

and constructed within the public highway in accordance with the standard specification of the Highway Authority.
(vi) The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 4.5 metres and 'y' distances of 90.0 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 carriage.
(vii) The development shall not be occupied unless there is available turning provision within the site so as to enable all associated vehicles, including delivery/service HGVs in accordance with details to be approved in writing by the Local Planning Authority.
(ix) The applicant shall submit a Travel Statement 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 time. The plan shall:
a) specify targets for the proportion of employees and visitors travelling 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-renewal fuels:
b) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring review and continuous improvement:
c) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development. **REASON**: To ensure the provision of a satisfactory site access and highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(27) no business unit (identified as Units 1-10 inclusive on the approved plan R06A62 - 2000FS - W003F) shall be first occupied unless and until:
(i) The existing vehicular access to the site from the public highway Tachbrook Park Drive

has been remodelled so as to provide a carriageway width of 4.0 metres for a distance of 40.0 metres, as measured from the near edge of the public highway carriageway.
(ii) The access to the site from the public highway Tachbrook Park Drive for vehicles shall not be used until it has been provided with not less than 6.0 metre kerbed radius turnouts on each side.
(iii) The access to the site from the public highways Tachbrook Park Drive shall not be used unless the bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority.
(iv) Barriers erected at the access to the site from the public highway Tachbrook Park Drive for vehicles shall not be hung so as to be within 10.0 metres of the near edge of the public highway carriageway.
(v) Egress from the site onto the public highway Tachbrook Park Drive shall be prohibited without permission of the planning authority by the installation of direction traffic control flow plates within the access.
(vi) The development shall not be occupied until the access/egress for vehicles to the south-western boundary of the site has been provided to the site not less than 6.1 metres or greater than 7.3 metres in width at any point.
(vii) The access/egress to south-western boundary of the site for vehicles shall not be used until it has been provided with not less than 7.5 metre kerbed radius turnouts on each side.
(viii) Gates/barriers erected at the proposed access/egress for all associated vehicles to the south-western boundary of the site shall not be hung so as to open to within 10.0 metres of the near edge of the public highway carriageway.
(ix) The gradient of the accesses for vehicles to the site shall not be steeper than 1 in 15 for a distance fob 20.0 metres, as measured from the near edge of the public highway carriageway.
(x) The accesses to the site shall be not constructed/reconstructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway.
(xi) The construction of the estate roads serving the development including footways/cycleways and verges shall not be other than in accordance with the standard specification of the Highway Authority.

(xii) The development shall not be occupied until space has been provided within the site for parking and loading/unloading of all associated vehicles in accordance with details to be approved in writing by the District Planning Authority.
(xiii) The applicant shall submit a Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the District Planning Authority in writing, in consultation with the Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time. The plan shall:-
a) specify targets for the proportion of employees and visitors travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use o non-renewable fuels;
b) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
c) require the occupier of each business unit to identify a senior manager of the business using the unit with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development. **REASON**: To ensure the provision of a satisfactory site access and highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and

(28) a landscaping scheme for the whole of those parts of the site proposed to be developed for business units not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON**: To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

138. **W10/1168 – PASTURE LANE (LOT 6), OLD WARWICK ROAD, SHREWLEY**

The Committee considered a retrospective application from Mr J Clarke for construction of a widened access with hardstanding.

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

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
Planning Policy Guidance 2 : Green Belts

The application had been the subject of objection and concern since, originally, it was thought that there had been no vehicle access into the site from the road. It had since been confirmed that there was an original fieldgate and ditch crossover, but that they had fallen into disuse and become overgrown. On this basis, the Highway Authority had raised no objection, subject to conditions. The case officer was unable to agree with the Parish Council's objection and felt that the application complied with the policies listed.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the recommendations.

RESOLVED that application W10/1168 be GRANTED.

139. **W10/0160 – CAPE ROAD, LOWER CAPE, WARWICK**

The Committee considered an outline application from Mayfair Properties Midlands Ltd for a proposed mixed use development for 16 residential properties and 6 employment type units with associated access and parking.

The application was presented to the Committee because it was a major application and should be the subject of a Section 106 Agreement.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
UAP2 - Directing New Employment Development (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
Planning Policy Statement 25 : Development and Flood Risk
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that, considering the circumstances detailed in the report and in the absence of any objections to the principle of this mixed use development, the outline proposal should be approved with all detailed matters reserved and subject to conditions and a Section 106 Agreement covering affordable housing, a contribution towards open space provision and a requirement that the employment development was carried out at the same time as the housing development.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the recommendations.

RESOLVED that application W10/0160 be GRANTED following the completion of a Section 106 Agreement covering affordable housing, a contribution towards open space provision and a requirement that the employment development is carried out at the same time as the housing development and subject to the following conditions:

(1) this permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
(a) access (including internal roads, cycleway and footpaths)
(b) design
(c) landscaping
(d) layout
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 as amended;

(2) in the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990;

(3) the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 as

amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(4) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 010,011,D106 Rev P2,Figure 2 Constraints and specification contained therein, submitted on 12th February 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;

(5) the permission hereby granted is for a mixed development of housing, employment and as such the mix of uses shall be in broad compliance with the layout as detailed on Drawing Figure 2 Constraints. **REASON**: For the avoidance of doubt and to ensure compliance with the terms of the application;

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

(7) before any part of the development hereby permitted is commenced, an off-site surface water sewer shall be constructed in accordance with design details to be submitted to and approved in writing by the District Planning Authority. The details shall be in accordance with the Water Authorities Association current publication of 'Sewers for Adoption' and shall provide for a separate surface water connection to the nearby culverted watercourse. **REASON**: To ensure satisfactory provision is made for the disposal of surface water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

(8) no part of the development hereby permitted shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an

assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The submission shall include details of how the scheme shall be maintained and managed after completion. **REASON**: To ensure satisfactory provision is made for the disposal of surface water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

(9) before any part of the development is commenced the surface water storage area should be constructed in accordance with design details to be submitted and approved by the District planning Authority. The details shall provide for the surface water to be attenuated by storage, to balance discharge flows, ensuring that the flow leaving the site does not exceed 24 litres/second at the peak flow generated by rainfall from a 1 in 100 year storm plus 30% climate change. **REASON**: To ensure satisfactory provision is made for the disposal of surface water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

(10) before any part of the development hereby permitted is commenced, details showing the existing and proposed finished levels of the site development shall be submitted to and approved by the District Planning Authority. The details shall safeguard against the flooding of properties and the finished floor levels shall be set 600mm above maximum flood level of 57.70mm for a 1 in 100 year storm plus 30% climate change. **REASON**: To ensure satisfactory protection is made for the properties against flooding in accordance with PPS25;

(11) 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 site, or in the locality, 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. **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;

(12) prior to commencement of development, a report demonstrating that all long- term site remediation criteria have been met and a summary verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report should relate to the new proposed use of the land. **REASON**: To ensure the protection of controlled waters by verifying that all necessary remediation works have been carried out;

(13) no development approved by this permission shall be commenced until:
(a) A site investigation has been designed using information obtained from the desk top study and any diagrammatical representations (Conceptual Model), and has been submitted and approved in writing by the District Planning Authority;
(b) The site investigation has been undertaken in accordance with details approved and a risk assessment has been produced;
(c) A method statement detailing the remediation requirements using the information obtained from the site investigation has been approved in writing by the District Planning Authority.
REASON: To ensure that the development complies with the approved details in the interests of protection of controlled waters and policy DP2 of the Warwick District Local Plan;

(14) after the development hereby permitted has been developed, details showing "as built" plans of the surface water drainage system and associated attenuation scheme plans, sections and external levels shall be submitted to and approved to the satisfaction of the District Planning Authority. **REASON**: To ensure satisfactory protection is made for the properties against flooding in accordance with PPS25;

(15) the development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Lower Cape, Warwick Final Report dated February 2010 and the following mitigation measures detailed within the FRA:
1. Limiting the surface water run-off to no greater than 24 litres per second during the 100 year 360 min storm and no more than 130 litres per second during the 100 year 30 min storm.
2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
3. Confirmation of the opening up of any culverts across the site.
4. Finished floor levels are set no lower than 58.3 m above Ordnance Datum (AOD).
5. No development within 4m of the edge of the culvert
6. Car parking be of permeable design in order to allow some infiltration and to aid water quality.
REASON: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To ensure safe access and egress from and to the site. To reduce the risk of flooding from blockages to the existing culvert (s). To reduce the risk of flooding to the proposed development and future occupants. To allow for future maintenance of the culvert and allow some infiltration and aid water quality;

(16) if during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the District Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the District Planning Authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with. **REASON**: To ensure that the development complies with the approved details in the interests of protection of controlled waters and policy DP2 of the Warwick District Local Plan;

(17) the level of noise from the fixed plant and 'breakout' from the employment uses hereby permitted measured one metre from nearest noise sensitive properties shall not increase the background level. **REASON**: To protect the

amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan;

(18) no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
REASON: To ensure the protection of controlled waters by preventing the creation of preferential pathways for surface water and mobilising contamination; and

(19) outdoor working associated with the employment uses hereby permitted (including loading/unloading) shall be restricted to between the hours of 07:00 and 19:00 Monday to Friday, 07:00 to 13:00 Saturday and not at any time on Sundays or Bank Holidays.
REASON: To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan.

140 **W10/0560 – LAND OPPOSITE CORNER HOUSE, LONG ITCHINGTON ROAD, HUNNINGHAM, LEAMINGTON SPA**

This item was withdrawn from the agenda.

141. **W10/0920 – 2 CHURCH STREET, WARWICK**

The Committee considered an application from The Local Shopping Reit PLC for conversion of office space above 2 Church Street and 1 Jury Street into 5 self contained flats.

The application was presented to the Committee because, if it were to be approved, it would require a S106 Agreement for public open space funding.

The case officer considered the following policies to be relevant:

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 1996 - 2011)

TCP12 - Upper Floors within Town Centres (Warwick District Local Plan1996 - 2011)
TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that, given that the offices had been vacant for two years, with only two enquiries and a reduced rental sum generating no further interest, there was justification for permitting an alternative use. Creation of flats would bring the building, which was originally built as a dwelling, back into residential use. Following negotiations, the alterations needed had been reduced to a minimum. The application was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the recommendations.

RESOLVED that application W10/0920 be GRANTED subject to the completion of a section 106 agreement and the following conditions:

(1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON**: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) L47.5/01A, /02, /03 and /04, and specification contained therein, received on 21st July 2010 and 18th October 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) no development shall be carried out on the site which is the subject of this permission until

large scale details of the new door and doorway, and the 'punched openings' on the first floor, and the upper cruck truss on the landing on the third floor have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON**: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011; and

(4) 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.

142. **W10/0921 LB – 2 CHURCH STREET, WARWICK**

The Committee considered an application from The Local Shopping Reit PLC for conversion of office space above 2 Church Street and 1 Jury Street into 5 self contained flats.

The application was presented to the Committee because the related application, W10/0920, was subject to a section 106 Agreement.

The case officer considered the following policies to be relevant:

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the proposed alterations would protect the character of the building and the majority of the historic features. Insertion of partitions in various places were considered to protect the general character of the building while providing an appropriate use, although details of a significant truss and frame in the attic space would be needed since they were not shown on the plans.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the recommendations.

RESOLVED that application W10/0921 LB be GRANTED subject to the following conditions:

(1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON**: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) L47.5/01A, /02, /03 and /04, and specification contained therein, received on 21st July 2010 and 18th October 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; and

(3) no development shall be carried out on the site which is the subject of this permission until large scale details of the new door and doorway, and the 'punched openings' on the first floor, and the upper cruck truss on the landing on the third floor have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON**: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

143. **W10/0942 – 131-137 REGENT STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application from Midland Assured Estates Ltd for demolition of the rear portion of an existing retail unit; division of the existing retail unit into 4 no. retail units and erection of a single storey rear extension; installation of new shop fronts; construction of a 2.5 storey residential block to the rear of shops for student accommodation; construction of a 3 storey residential block fronting Kenilworth Street for student accommodation; and alteration to existing vehicular access.

The application was presented to the Committee due to an objection from Royal Leamington Spa Town Council having been received and because it was recommended that planning permission be granted subject to the completion of a legal agreement.

The case officer considered the following policies to be relevant:

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).
The 45 Degree Guideline (Supplementary Planning Guidance)
Open Space (Supplementary Planning Document - June 2009)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
TCP13 - Design of Shopfronts (Warwick District Local Plan 1996 - 2011)
TCP2 - Directing Retail Development (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)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
Distance Separation (Supplementary Planning Guidance)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that there was no evidence to suggest that the provision of additional student accommodation in this predominantly commercial part of the town centre would result in a harmful over provision of student accommodation in the area. He was satisfied that the proposals would not harm the vitality and retail viability of the area, and that the relationship between neighbouring dwellings and the proposed development would be appropriate for this high density location within the Conservation Area. Plans had been amended to meet internal space standards specified by the Council's private sector housing team. The Highway Authority were satisfied that the amended development and parking provision would not be detrimental to highway safety. As amended, the proposals would preserve and enhance the character and appearance of the Conservation Area. The application was therefore considered to comply with the policies listed.

An addendum circulated at the meeting advised the Committee that further amended plans had been submitted and that as a result recommended Condition 2 had been amended to reflect these changes.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that the application should be granted in accordance with the amended recommendations, subject to condition 22 being amended to read "Further Education or Higher Education".

(Also, a correction about 2 west elevations, 1 should be east. Where?)

RESOLVED that application W10/0942 be GRANTED 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 this permission. **REASON**: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 2661-101J, 2661-102F, 2661-103F, 2661-104E, 2661-106F, 2661-108A, 2661-109, 2661-111A, and specification contained therein, submitted on 17 November 2010, 23 November 2010, 24 November 2010 & 26 November 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) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, rainwater goods, gates and the shopfronts at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON**: For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

(4) no part of the student residential accommodation hereby permitted shall be first occupied unless and until:
(a) details of a scheme for the extension, provision of toilets, provision of new shopfronts and fitting out to a shell specification of the retail units numbered 1-4 on the approved

plans have been submitted to and approved in writing by the District Planning Authority; and (b) the scheme approved under (a) has been completed in strict accordance with approved details. **REASON**: As the proposals include the demolition of retail floorspace, these works are necessary to ensure that the proposals preserve the vitality and retail viability of this part of the town centre, in accordance with Policy TCP2 of the Warwick District Local Plan;

(5) samples of all 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;

(6) detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. **REASON**: To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(7) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON**: To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

(8) no development shall commence unless and until a vehicular access has been provided to the site not be less than 5 metres wide for a distance of at least 7.5 metres into the site, as measured from the near edge of the public

highway carriageway. **REASON**: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(9) the vehicular access to the site shall not be used in connection with the development hereby permitted unless and until it has been surfaced with a suitable bound material for a distance of 7.5m into the site as measured from the near edge of the public highway carriageway, in accordance with details that shall have been submitted to and approved in writing by the District Planning Authority. **REASON**: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

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

(11) gates provided at the entrance to the site shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway. **REASON**: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(12) the development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so as to enable the largest vehicle anticipated on site to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON**: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(13) the car parking spaces shown on the approved plans shall be allocated to specific occupants of the development hereby permitted and shall not be offered on a first-come, first-served basis. **REASON**: In the interests of highway

safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

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

(15) the proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted, unless agreed otherwise in writing by the District Planning Authority. **REASON**: To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

(16) the cycle parking provision shown on the approved plans shall be completed before any part of the student accommodation 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, unless otherwise agreed in writing by the Local Planning Authority. **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) all window and door frames and the new shopfronts shall be constructed in timber and shall be painted and not stained. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

(18) all rainwater goods for the development hereby permitted shall be metal. **REASON**: To ensure an appropriate standard of design and

appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

(19) the roofing material for the development shall be natural slate. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

(20) no part of the student residential accommodation hereby permitted shall be occupied unless and until the bin stores have been provided in strict accordance with the approved plans. **REASON**: To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(21) 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;

(22) the development hereby permitted shall only be occupied as a student hall of residence solely by individuals enrolled on a Further Education or Higher Education course. **REASON**: Since there may be insufficient parking for other forms of residential occupation, in accordance with Policy DP8 of the Warwick District Local Plan;

(23) all hard surfaces hereby approved shall be made 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; and

(24) prior to the occupation of the development hereby permitted, the bottom half of the first floor windows in the west facing elevation of

Block A 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. 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 the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

144. **W10/1124 – LONG MEADOW, PACKWOOD LANE, LAPWORTH**

The Committee considered an application from Mr Jackson for erection of a new replacement garage to be used as a temporary dwelling during construction of a main replacement dwelling and the erection of new stables.

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

The case officer considered the following policies to be relevant:

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
RAP10 - Safeguarding Rural Roads (Warwick District Local Plan 1996 - 2011)
RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
Planning Policy Statement 7 : Sustainable Development in Rural Areas
Planning Policy Guidance Note 2: Green Belts.

An addendum presented further details and comments relating to the application which had been received following publication of the agenda.

It was the case officer's opinion that the proposed stable building was an appropriate form of development in the Green Belt since it was small and essential for the use of the paddock as grazing land. The size and design of the garage had been the subject of negotiation and was considered to be an appropriate form of development within the Green Belt, since it could be considered essential for the dwelling. A condition would ensure the use as a dwelling ceased upon completion of the replacement dwelling. The public footpath could be diverted prior to work commencing under separate legislation and therefore should not stand in the way of planning permission. The application was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that the application should be granted in accordance with the recommendations.

RESOLVED that application W10/1124 be GRANTED 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 this permission. **REASON**: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings (10-057-04B received on 25 October 2010; 10-057-02D and 10-057-03D received on 11 November 2010), and specification contained therein, 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) the garage building hereby permitted shall not be used as a separate dwelling prior to the vacation of the existing dwelling. Following the occupation of the replacement dwelling the garage building shall return to being used for the housing of private vehicles or other purposes incidental to the residential use of the replacement dwelling house. **REASON**: Since the creation of a separate dwelling would not normally be allowed in the Green Belt expect in the circumstances put forward by the applicant; and

(4) the stables hereby permitted shall only be used for purposes in connection with and incidental to the use of the land for grazing purposes and shall not be used for the purposes of a livery or riding school or any other commercial purposes. **REASON**: To protect the rural character of the area, in accordance with Planning Policy Statement 7: Sustainable Development in Rural Areas and to satisfy Policy RAP10 of the Warwick District Local Plan 1996-2011.

145. W10/1260 – BLACKFRIARS HOUSE, 6 WEST STREET, WARWICK

The Committee considered an application from MPM Childcare for the display of two timber sign boards.

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

The case officer considered the following policies to be relevant:

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

The proposed signage had been amended since being originally submitted. The amended design was considered acceptable by the Conservation Officer and it was the case officer's opinion that the signs were now of an appropriate design for this Listed Building and addressed the concerns raised. The proposed timber sign boards with hand painted lettering and edging were considered to be of a sufficient quality for this Listed Building in the Conservation Area.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the recommendations.

RESOLVED that application W10/1260 be GRANTED 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 this permission. **REASON**: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (3998/sign/01A and 3998/04D received on 23 November 2010. Signage detail received on 11 November 2010), and specification contained therein, 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.

146. **W10/1285 – PRIORY FARM, RISING LANE, LAPWORTH**

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

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

The case officer considered the following policies to be relevant:

DP13 - Renewable Energy Developments (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)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
Planning Policy Guidance 2 : Green Belts

It was the case officer's opinion that the proposed extension was subservient in visual terms to the original dwelling and would not harm the original character or scale of the dwelling, or harm the openness of the Green Belt. The extension would remain at least 3m away from the side boundary, so a clear spacing would remain between dwellings. The impact on the neighbouring dwelling was considered to be reasonable. The application was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the recommendations.

RESOLVED that application W10/1285 be GRANTED 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 this permission. **REASON**: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (669/21B), and specification contained therein, submitted on 29 September 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.

147. **W10/1316 – 21 CRANMER GROVE, HEATHCOTE, WARWICK**

The Committee considered an application from Mr B D Black for the erection of a first floor side extension.

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

The case officer considered the following policies to be relevant:

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
The 45 Degree Guideline (Supplementary Planning Guidance)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

Given that the surrounding area was characterised by detached dwellings of a variety of designs, it was the case officer's opinion that the proposals would have an acceptable impact on the character and appearance of the area. The half-hipped roof design of the proposed extension would match the existing roofline on the side of the application property and was a form of roofline repeated elsewhere in the surrounding area. The case officer was satisfied that the proposals would not cause unacceptable loss of light or loss of outlook for neighbouring dwellings. The application was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the recommendations.

RESOLVED that application W10/1316 be GRANTED 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 this permission. **REASON**: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) PCT9882/02, and specification contained therein, submitted on 5 October 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; and

(3) 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.

148. **ENF 232/26/10 – 61 SMITH STREET, WARWICK**

The Committee considered a report requesting enforcement action in respect of a satellite television receiving dish, mounting pole and fixings.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The satellite dish had been attached to a chimney stack and was clearly visible from St John's, the main road feeding vehicular and pedestrian traffic into Warwick. As such the satellite dish was in an extremely prominent position in an area where particular care was taken for the preservation and enhancement of the character and appearance of buildings, and the streetscene generally, by the exercise of controls. The dish was considered to be harmful to the character and appearance of the Warwick Conservation Area and the historic character and appearance of the Listed Building on which it was located. The Committee noted that negotiations with the property owner had not resulted in the removal of the dish and it was therefore considered that formal action was now appropriate to resolve this breach of planning control.

Following consideration of the report and presentation, the Committee were of the opinion that enforcement action should be authorised.

RESOLVED that appropriate enforcement action be authorised directed at the removal of the satellite receiving dish, mounting pole and fixings, with a compliance period of ONE month.

(The meeting finished at 9.00pm)