Planning Committee

Minutes of the meeting held on Tuesday 3 February 2015 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Apologies for absence were received from Councillor MacKay.

136. **Substitutes**

Councillor Davies substituted for Councillor Doody and Councillor Mrs Syson substituted for Councillor Boad.

137. **Declarations of Interest**

Minute Number 140 – W14/1809 – Land at Foxes Study, Warwick Castle, Castle Hill, Warwick

Councillor Mrs Syson declared an interest because she was present at the Conservation Advisory Forum meeting when the item was discussed.

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

Minute Number 141 – W14/1743 – Hatton Country World, Dark Lane, Hatton

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

Minute Number 143 – W14/1664 – Petrol Filling Station, 130 Rugby Road, Royal Leamington Spa

All Planning Committee members and substitutes declared an interest because the application site was located opposite to a fellow Councillor's family business.

In addition, Councillor Mrs Syson declared an interest because the application site was in her Ward.

Minute Number 144 – W14/1807 – 1 Lancaster Place, Kenilworth

Councillor Davies declared an interest because he was speaking in support of the application and would leave the room whilst the item was deliberated and a decision reached.

Minute Number 145 – W14/1678 – Land off, Hill Wootton Road, Hill Wootton

Councillor Mrs Bunker declared an interest because the applicant was known to her.

138. **Site Visits**

To assist with decision making, Councillors Mrs Bromley, Mrs Bunker, Ms De-Lara-Bond, Rhead, Syson and Weber visited the following application sites on Saturday 31 January 2015:

W14/1807 – 1 Lancaster Place, Kenilworth
W14/1678 – Land off Hill Wootton Road, Hill Wootton
W14/1811 – 14 Charnwood Way, Lillington
W14/1664 – Petrol Filling Station, 130 Rugby Road, Royal Leamington Spa

139. **Minutes**

The minutes of the meeting held on 6 January 2015were agreed and signed by the Chairman as a correct record.

140. **W14/1809 – Land at Foxes Study, Warwick Castle, Castle Hill, Warwick**

The Committee considered an application, from Merlin Attractions Operations Ltd, for the proposed use of land as a temporary medieval glamorous camping site for approximately five months between 1 May and 30 September each year, up to and including 2017.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
RAP15 - Camping and Caravanning Sites (Warwick District Local Plan 1996 - 2011)
RAP16 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CT1 - Directing New Tourism, Leisure and Cultural Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CT2 - Directing New or Extended Visitor Accommodation (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
CT4 - Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
CT6 - Camping and Caravan Sites (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
CT7 - Warwick Castle and Warwick Racecourse/St Mary's Lands (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

It was the officer's opinion that the proposed development was acceptable in principle and did not adversely affect the historic integrity, character or setting of the listed building or the registered park and garden. The proposals preserved the character and appearance of the Conservation Area and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

An addendum provided at the meeting advised that three further objections had been received, including one from The Warwick Society along with two further comments in support of the application.

The addendum also included an update from the District Council's Conservation Officer and the Environmental Health officer. WCC Ecology had also proposed an additional condition to secure annual pre-commencement checks for protected and notable species and, as necessary, mitigation.

The following people addressed the Committee:
Councillor Mrs Littlejohn, Warwick Town Council in support of the application;
Mr MacKay, Conservation Advisory Forum, Dr Hodgetts, Garden History Society, Dr Hyland, Tree Warden and Mrs Woodward, local resident and Tree Warden all spoke in objection; and
Mrs Butcher, a representative of Warwick Chamber of Trade, and Mr Spooner, on behalf of the applicant, both spoke in support of the application.

Members discussed the economic benefits that the Castle brought to the area and were mindful that this application was the same as the permission granted for temporary permission in February 2014. Councillor Mrs Bunker asked officers if it would be possible to look at adjusting the position of the tents each season to assist with the recovery of the affected ground.

In response, it was agreed that officers would discuss with the applicant the possibility of introducing an element of flexibility regarding the positioning of the tents to assist with ground recovery.

Councillor Mrs Bromley questioned the fact that no noise complaints had been registered with the Environmental Health team but officers assured her that this was correct and was most likely as a direct result of the effectiveness of the noise management plan that was in place.

Members agreed that a liaison group should be set up with representatives from all interested parties and any concerns could be fed into the group for discussion and resolution.

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

Resolved that application W14/1809 be **granted** subject to the following conditions:

(1) the development hereby permitted shall begin not later than three years from the date of this

permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

(2) the seasonal glamping tents hereby permitted and associated seasonal support facilities/ infrastructure shall only be occupied between 1 May and 30 September each year. That use shall be permanently discontinued on or before 30 September 2017. Annual works to erect the structures/facilities shall not commence more than 3 weeks before 1st May and all seasonal structures, facilities and infrastructure shall have been be completely removed within two weeks after 30th September and the pitches restored to their former condition including their decompaction using 'Terralift' methodology followed by reseeding using an indigenous grass seed mix. A copy of the Terralift completion certificate produced by the decompaction company shall be submitted to the local planning authority by 2nd December each year. **Reason:** To ensure that demountable structures relating to the seasonal element of the scheme hereby permitted are not unnecessarily retained on site and reduce the likelihood of visual deterioration, which may cause the structures/land to become injurious to the amenities of the area contrary to Policies DP1, DAP4, DAP8 and DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of NPPF 2012;

(3) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings (drawing numbers 353/17-1, 353/17-5, 353/17-6, WCV JTA PR AL 130 P3, 131 P1, 132 P1, 230 P3, 231 P1, 330 P3, 331 P3, 332 P1 & 333 P1) and specification contained therein, submitted on 18 December 2014. **Reason**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(4) the development hereby permitted shall not commence until a detailed lighting scheme has been submitted to and agreed in writing by the Local Planning Authority. In discharging this condition the Local Planning Authority expects lighting to be restricted around the boundary edges, around known bat roosts and badgers

setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps
b. the brightness of lights should be as low as legally possible
c. lighting should be timed to provide some dark periods
d. connections to areas important for foraging should contain unlit stretches
The agreed scheme shall be implemented in strict accordance with the approved scheme. **Reason:** To ensure appropriate measures are taken in relation to protected species;

(5) the Noise Management Plan submitted as part of the planning application shall be implemented in full and thereafter all activities taking place pursuant to this planning permission shall be carried out in accordance with its provisions. The plan shall be reviewed and agreed in writing by the Local Planning Authority every year following approval until the expiry of this planning permission. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(6) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected or constructed without a detailed scheme having first been submitted to an approved in writing by the Local Planning Authority. All details shall be carried out as approved and shall not be altered in any way. **Reason:** That having regard to the sensitive nature of the application site it is important to ensure that no further development is carried out which would detract from the appearance of the area in accordance with Policies DP1, DAP4 and DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012;

(7) annual pre-commencement checks are

undertaken in relation to protected and notable species and, as necessary, any resulting mitigation measures; and

(8) a liaison group will be set up involving local residents, Warwick Town Council, Warwick Castle and WDC officers to identify and address concerns.

Councillor Weber arrived part way through the public speaking section of this application and therefore refrained from voting on the item.

141. **W14/1743 – Hatton Country World, Dark Lane, Hatton, Warwick**

The Committee considered an application, from Hatton Country World, for the formation of an earth mound incorporating steps, platform, and two tubes to provide an outdoor slide facility, after removal of the existing maze.

The application was presented to the Committee because there had been more than five letters of support and the officers had recommended refusal.

The officer considered the following policies to be relevant:

National Planning Policy Framework
SSP8 - Hatton Country World (Warwick District Local Plan 1996 - 2011)
Future Use and Development of Hatton Country World - Supplementary Planning
Guidance (2000)

It was the officer's opinion that the proposed development represented inappropriate development, harmful by definition and by reason of harm to openness. Officers felt that no very special circumstances had been provided which could be considered to outweigh the harm to the Green Belt identified and, therefore, the application was contrary to the aforementioned policies and the NPPF and should be refused.

An addendum provided at the meeting advised of a letter of support from Councillor Mrs Sawdon, five further letters of support and one objection being received.

Mr Laister addressed the Committee, on behalf of the applicant, in support of the application.

Members were sympathetic with the applicant's issue of falling visitor numbers and for the need to encourage custom and increase turnover. In addition, Members felt that outdoor recreation and rural economies should be supported.

The height of the construction was debated and how much of a visual impact it would have on the openness of the countryside.

It was proposed by Councillor Williams and seconded by Councillor Brookes that the application should be granted, contrary to the officers' recommendation. This proposal was lost four votes to five.

Members felt that the height of the construction was just too large and were disappointed when officers highlighted that there had been no pre-application discussions held with the applicant. Officers assured Members that they would be willing to work with the applicant to help develop a more suitable solution.

Following consideration of the report, presentation, the representation made at the meeting and the information contained in the addendum, the Committee

Resolved that application W14/1743 be **refused** because the National Planning Policy Framework states that inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The National Planning Policy Framework identifies that LPAs should regard the construction of new buildings as inappropriate in the Green Belt.

Hatton Country World is located within the Green Belt. In the opinion of the Local Planning Authority, the proposed mound, platform, steps and tubes taken as a whole are considered to constitute a building which is considered to be inappropriate development in the Green Belt, which is harmful by definition and by reason of harm to openness due to the size, bulk and mass of the structure. The proposed development does not fall within any of the exceptions to inappropriate development listed in the NPPF and no very special circumstances have been submitted which would outweigh the harm to the Green Belt

The development is thereby considered to be contrary to the NPPF.

142. **W14/1811 – 14 Charnwood Way, Lillington, Royal Leamington Spa**

The Committee considered an application, from Mr Bernamont, for the erection of a pair of semi-detached dwellings.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance)
Vehicle Parking Standards (Supplementary Planning Document)

It was the officer's opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. The proposals were also considered to be acceptable in terms of parking and highway safety and, therefore, it was recommended that planning permission be granted.

An addendum circulated at the meeting outlined two further objections, details of an amended site plan, an amendment to condition 2 updating the plan numbers and the deletion of condition 6 because the information requested had been supplied on the submitted plans.

Mr Hawkins, a local resident, addressed the Committee in objection to the application.

Councillor Williams advised that although he had not been present at the site visits on Saturday 31, he had undertaken his own visit to the site. He felt that the green area contributed to the health and wellbeing of the local residents and proposed that the application be refused contrary to the officers recommendations. This proposal was supported and duly seconded by Councillor Mrs Bromley.

This proposal was lost four votes to five.

Other Members of the Committee felt that this was a good development and agreed that an additional condition should be added to ensure the removal of the side window to number 14, prior to commencement.

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

Resolved that application W14/1811 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) 914-02B & 914-03B, and specification contained therein, submitted on 20 January 2015.
Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) samples of 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) 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 (other than demolition) 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;

(5) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British

Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

(6) the development hereby permitted (other than demolition) shall not commence until details of the finished floor levels of the dwellings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

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

(8) the development hereby permitted shall either:

a) be timetabled and carried out to avoid the bird nesting season (March to September

inclusive); or

b) not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds (immediately prior to works commencing). If evidence of nesting birds is found works shall not proceed until outside of the bird nesting season (March to September inclusive).

Reason: To prevent possible disturbance to nesting birds, in accordance with Policy DP3 of the Warwick District Local Plan;

(9) 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. **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;

(10) 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 2.0 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within these splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

(11) accesses for vehicles to the site from the public highway Charnwood Way shall not be made other than at the position identified on the approved drawing number 914-02 Rev B. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

(12) neither of the dwellings hereby permitted shall

be occupied until an access for vehicles has been provided to that dwelling not less than 3 metres in width for a distance of 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 Policy DP6 of the Warwick District Local Plan;

(13) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 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 Policy DP6 of the Warwick District Local Plan;

(14) the access to the site for vehicles shall not be used unless a public highway footway/verge 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 Policy DP6 of the Warwick District Local Plan;

(15) the access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan; and

(16) the side window of number 14 Charnwood Way to be removed prior to commencement.

143. **W14/1664 – Petrol Filling Station, 130 Rugby Road, Royal Leamington Spa**

The Committee considered an application from McLagan Investments Limited, for the refurbishment of existing petrol filling station to include single storey extensions to the shop, installation of a new ATM pod, installation of a new boundary fence and other external alterations.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

<u>The Current Local Plan</u>

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)

It was the officer's opinion that the proposals were considered to be acceptable in terms of car parking, highway safety and in terms of the impact on the vitality and viability of the Rugby Road Local Shopping Centre. Furthermore, the proposals would not harm the living conditions of nearby dwellings and would not harm the character and appearance of the area or the setting of the adjacent Conservation Area. Therefore, it was recommended that planning permission was granted.

An addendum was circulated at the meeting which provided clarification on the air conditioning units and advised that two further objection had been received relating to opening hours.

The applicant had also provided comments outlining the benefits of the application, assuring that the existing trading hours would continue to be used and advising that no objections had been received from Royal Leamington Spa Town Council.

The following people addressed the Committee:

Mr Jones, in support of the application and Councillor Gifford, Ward Councillor, in objection.

Members were advised that the 'click and collect' service had now been omitted from the scheme and agreed that an additional condition should be added to ensure that all lighting was switched off when the petrol station closed.

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

Resolved that application W14/1664 be **granted** subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (200)03B, (200)04, (300)03B & (300)04, and specification contained therein, submitted on 20 November 2014 & 16 January 2015. **Reason**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) the development shall be carried out only in full accordance with sample details of the

facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

(4) no development shall commence until a turning area has been provided within the site to enable vehicles associated with the construction of the development to leave and re-enter the public highway in a forward gear. The turning area shall be retained for the duration of the construction works. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

(5) no customers shall be permitted to be on the premises other than between 0700 hours and 2300 hours. **Reason:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(6) no more than 118 sq m of the sales kiosk shall be used for the display of goods for sale, hire, lease or rental. The area annotated as "back of house" on the approved drawings shall not be used for the display of goods for sale, hire, lease or rental. **Reason:** To protect the vitality and viability of the Rugby Road Local Shopping Centre, in accordance with Policy UAP3 of the Warwick District Local Plan 1996-2011;

(7) the extensions hereby permitted shall not be used unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason**: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011;

(8) best practicable means shall be employed at all times to control noise, dust and vibration from

construction works on the site. Construction work which is likely to give rise to noise nuisance shall not take place before 0730 hours or after 1700 hours on Mondays to Fridays or before 0730 hours or after 1300 hours on Saturdays. No construction work shall take place on Sundays or Bank Holidays. There shall be no deliveries associated with the construction of the development hereby permitted before 0800 hours or after 1630 hours on Mondays to Fridays or before 0800 hours or after 1300 hours on Saturdays or at any time on Sundays or Bank Holidays. **Reason**: To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

(9) no lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **Reason:** To protect the living conditions of nearby residents, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011;

(10) no plant or equipment shall be installed other than in strict accordance with the conclusions and recommendations of a noise assessment (in accordance with BS4142:2014) that shall have been submitted to and approved in writing by the local planning authority. Any sound attenuation measures recommended in the noise assessment shall be implemented in strict accordance with the approved details and thereafter shall not be removed or altered in any way. **Reason:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and

(11) all external lighting will be switched off when the petrol station closes.

144. **W14/1807 – 1 Lancaster Place, Kenilworth**

The Committee considered an application, from Mr Pope, for the proposed erection of a first floor side extension.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)

Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

It was the officer's opinion that the proposed first floor side extension was not considered to be of acceptable design, by virtue that it would reduce the openness of the corner plot and alter the scale and character of the original dwelling which was contrary to the Residential Design Guide, current Local Plan policy DP1 and emerging Local Plan policy BE1 which would support a reason for refusal.

An addendum circulated at the meeting advised that the applicant had submitted an email to clarify their position and explain why the application should be supported.

Councillor Davies, Ward Councillor, addressed the Committee in support of the application. He then left the room whilst the item was discussed and a decision reached.

Members agreed that the site visit had been useful and felt that there would be ample screening of the extension due to the high number of trees in the area. They were also mindful that Kenilworth Town Council had no objection to the application.

It was therefore proposed by Councillor Brookes, seconded by Councillor De-Lara-Bond that the application should be granted, contrary to the officers' recommendation and subject to appropriate conditions.

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

Resolved that application W14/1807 be **granted** contrary to officers' recommendation and subject to appropriate conditions.

145. **W14/1678 – Land off Hill Wootton Road, Hill Wootton**

The Committee considered an application, from Mr Wigglesworth, for the erection of one new dwelling.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

It was the officer's opinion that the proposed development was acceptable in principle and would not cause unacceptable harm to the character or openness of the Green Belt or visual amenities of the street scene. Furthermore, the proposal would not adversely affect the amenity of nearby residents and was therefore considered to comply with the policies listed.

An addendum circulated at the meeting advised of an update to the heritage section of the report.

Councillor Mrs Gallagher addressed the Committee in support of the application, in her capacity as Ward Councillor.

Following consideration of the report, presentation, the representation made at the meeting and the information contained in the addendum, the Committee

Resolved that application W14/1678 be **granted** subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 5104/04; 5104/01; 5104/06; 5104/07; 5104/03; 5104/02 and specification contained therein, submitted on 14th November 2014 and approved drawing(s) 5104/5A and specification contained therein, submitted on 23rd December 2014. **Reason**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) the development shall be carried out only in full accordance with sample details of the facing, roofing and paving materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

(4) no use of the development hereby permitted shall commence unless and until a pavement and verge crossing has been constructed to the site in strict accordance with the approved drawings. **Reason:** To ensure that a pavement and verge crossing is available for use when the development commences thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(5) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that adequate drainage

facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

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

(7) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless tree protection measures have been put into place in full accordance with details submitted to and approved in writing by the local planning authority and thereafter shall remain in place during any such construction work. In addition no excavations, site works, trenches or

channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(8) before the access is first used a turning facility within the site enabling vehicles to enter and leave in a forward gear, and a 2.4 metre by 43 metre visibility splay at the back of the footway on either side of the proposed access way, shall be provided in accordance with the approved drawings. At all times thereafter the turning facility shall be kept free of obstruction and available for its intended use, and nothing in the visibility splay shall exceed 600mm in height, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(9) the dwelling hereby permitted shall not be occupied unless and until the means of access to the site has been provided in full accordance with the position as shown on approved plan drawing no. 5104/05A and in accordance with the following details to be submitted to and approved in writing by the local planning authority:

- details of proposed surfacing, which shall comprise a bound material of not less than 3m in width for a distance of 7.5metres, as measured from the near edge of the public highway carriageway, and

- drainage details to ensure the effective

capacity of any drain or ditch within the limits of the public highway.

Reason: In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(10) the development hereby permitted shall not commence until a qualified ecologist has been appointed by the applicant to inspect any trees / hedgerows to be removed as part of the development for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **Reason:** To safeguard protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

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

(12) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order

revoking and re-enacting that order with or without modification) the window(s) to be formed at first floor level in the western facing elevation of the dwelling hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

(13) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows or openings (apart from any shown on the approved drawings) shall be formed at first floor level in the western facing elevation of the dwelling hereby approved without the written approval of the local planning authority and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;

(14) the dwelling hereby approved shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times unless otherwise agreed in writing by the local planning authority. **Reason**: To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011;

(15) 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 manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason**: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and

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

146. **W14/1694 – North Fosse Farm, Fosse Way, Radford Semele**

The Committee considered an application, from Blackdown Growers, for the erection of an agricultural building.

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

The officer considered the following policies to be relevant:

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the officer's opinion that the erection of this agricultural building on an established agricultural holding was considered to be acceptable in principle. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Therefore, it was recommended that planning permission was granted.

An addendum circulated at the meeting advised that the applicant had provided further clarification on the need for the development and responses to some of the objections received.

Following consideration of the report, presentation and the information contained in the addendum, the Committee

Resolved that application W14/1694 be **granted** subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 101C & 102A, and specification contained therein, submitted on 20 November 2014 & 21 January 2015. **Reason**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in

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

(4) access to the development shall not be gained from the public highway other than from the two existing vehicular accesses located on the Fosse Way (B4455) that are highlighted in yellow on the site plan submitted on 16 January 2015. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

147. **W14/1649 – 15 Cicero Approach, Warwick Gates, Warwick**

The Committee considered an application, from Mr and Mrs Thomas, for the erection of a double storey rear and front extension and alterations to garden wall.

The application was presented to the Committee because an objection had been received from Bishop's Tachbrook Parish Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework

Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the officer's opinion that the proposed two storey rear extension and the single storey front extension, as amended, were acceptable in principle and would not affect neighbouring amenity. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, the Committee

Resolved that application W14/1649 be **granted** subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) and specification contained therein. **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. **Enforcement Report – Le Van, Red Lane, Kenilworth**

The Committee considered an application from the Enforcement Team advising that engineering operations, resulting in increased land levels within part of the site, had been undertaken at Le Van, Red Lane, Kenilworth.

The report was presented to the Committee to request that Members authorise enforcement action to remove the hardstanding areas and to reinstate the land identified to its original condition and ground level, within a compliance period of six months.

The matter had been brought to the attention of the Planning Enforcement Team in July 2014 when it was identified that works were being undertaken in preparation for the forthcoming lawful use of the land as a static caravan site.

Whilst much of the work associated with that development did not require planning permission, as work continued it became clear that land levels particularly within part of the site had increased significantly to the extent that engineering operations requiring planning permission were considered to have occurred.

Despite requests to the developer to cease work until this matter could be fully considered and addressed, the work nevertheless continued.

It was the officer's opinion that the impact of the unauthorised engineering operations, resulting in the change of levels were at their most significant and harmful in the north east part of the site, where the change in character within the surrounding landscape was at its most notable.

Officers had considered whether any works could be undertaken to mitigate the impact but this was not considered to be an approach that would significantly overcome the harm that had been caused.

Following the absence of any voluntary resolution to this matter, and in view of the significant adverse impact of the above unauthorised development on the openness and visual amenities of the countryside and Green Belt, it was considered that formal enforcement action was now required in order to remedy these outstanding matters.

Members took advice from the Legal Officer relating to the potential impact of HS2 in the area and the costs which may be incurred by authorising the enforcement action. Mr Howarth reminded Members that their decision needed to be based on whether or not it was expedient to take action.

Members felt that the abuse of the planning system should be addressed and agreed that placing conditions on an application was pointless if they were not going to be enforced.

Following consideration of the report and presentation, the Committee

Resolved that appropriate enforcement action is **authorised** directed at the removal of hardstanding areas and the permanent reinstatement of the land identified to its original condition and ground level with a compliance period of 6 months.

149. **Appeals Update**

The Committee considered an update from Development Services which advised of the current list of planning and enforcement appeals to date.

Members discussed the details of various applications and were advised that the appeal decision on the Gateway development was likely to be confirmed by 5 February 2015.

Councillor Brookes enquired as to whether Ward Councillors could contribute to certain appeals statements and officers agreed to discuss the options with their team.

Resolved that the report be noted.

(Meeting ended at 8.50pm)