# PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 5 January 2011 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, Kirton and Rhead.

149. **DECLARATIONS OF INTEREST**

Minute Number 151 – W10/1313 – 53 Coten End, Warwick
Councillor Rhead declared a personal and prejudicial interest because both the applicant and objectors were personal friends.

Minute Number 153 – W10/1364 – Talisman Square, Kenilworth
Councillor Mrs Blacklock declared a personal interest because the application was in her Ward and some of the objectors were known to her.

Councillor Mrs Bunker declared a personal interest because the application was in a prominent location in Kenilworth which she represented, although the application site was not in her Ward.

Councillor Illingworth declared a personal interest because the application was in his Ward.

Minute Number 154 – W10/1393 – Kenilworth Cemetery, Oaks Road, Kenilworth
Councillor Mrs Blacklock declared a personal and prejudicial interest because she had assisted with the formulation of the application. Following her address to the Committee as a Councillor she withdrew from the meeting for the remainder of this item.

Councillors Mrs Bunker, Copping, Crowther, Ms Dean, Dhillon, Mrs Higgins, and Rhead all declared a personal interest because the application site was Warwick District Council owned land.

Councillor Kirton declared a personal and prejudicial interest because he was a member of Executive although he had not been present when this application was considered but left the room while the application was considered.

Minute Number 156 – W09/0246 – Oaklands Farm, 357 Birmingham Road, Budbrooke
Councillors Mrs Bunker, Mrs Blacklock, Copping and Crowther all declared a personal interest because the applicant was known to them as a former Warwick District Councillor.

Councillor Rhead declared a personal interest because the application was in his ward.

Minute Number 158 – W10/1422 – Sherbourne Manor, Vicarage Lane, Sherbourne
Councillor Rhead declared a personal interest because the application was in his Ward.

150. **MINUTES**

The minutes of the meeting on 8 December 2010 were not considered because they had not been submitted.

151. **W10/1313 – 53 COTEN END, WARWICK**

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

This application was considered at the previous meeting of the Committee on 8 December 2010, when it was resolved that permission be granted. However, some legal issues were raised by a speaker at the meeting and the Council's legal advisors had therefore been asked to review the position. They had advised that the planning permission should not be issued and that the matter be referred back to the Committee for further consideration, together with an amended report. The principal issues were therefore to consider whether the objections of some residents had been properly taken into account, given that there was some doubt about whether certain letters had been scanned and had appeared on the Council's website, and the fact that the proposal was a departure from the development plan, which may not have been made entirely clear from the written report given at the previous meeting.

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)
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 Plan 1996 - 2011)

It was the case officer's opinion that the departure from the development plan could be justified because the nature of the proposed use had similar characteristics to an A1 use, the lack of a shop front and large shop window made the unit somewhat unsuited to a retail use, the unit had failed to attract a retail tenant and had remained empty since May 2009, and the proposal would not result in a detrimental impact upon the ability of the area to fulfil its retail function.

Mr J MacKay attended to represent the views of an objector to the application explaining that the objector did not feel it was suitable for the shopping location and now that Sainsbury's had opened in the area the business prospects and interests in the area were increasing. Miss Burnside, as the applicant, spoke in support of the application and to respond to concerns raised.

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

**RESOLVED** that 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.

152. **W10/0865 – ST CHADS CHURCH, CHURCH HILL, BISHOPS TACHBROOK, LEAMINGTON SPA**

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

The application was deferred by the Planning Committee at its meeting on 8 December 2010 to enable the views of the Conservation Architect on this application to be presented to the Committee, in particular having regard to the content of Planning Policy Statement 5, 'Planning for the Historic Environment'. The report now before the Committee was the same as that presented to the Committee on 8 December, with the addition of the Conservation Architect's comments, the information contained in an addendum presented to the Committee on 8 December and a note that a further letter of objection had since been received.

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

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)
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, as planning permission had been granted by the Committee for an identical building on the site in 2007, the same decision should be made on the current application unless there had been a material change in circumstances relating to the proposals. The original permission was not implemented and had lapsed. The only differences between the current application and the scheme previously granted were that drainage runs were shown on the current proposals, and installation of cycle parking and an air source heat pump were now also proposed. The only material change in circumstances since the previous decision was the adoption of the Council's Parking Standards in November 2007 and the Council's Sustainable Buildings Supplementary Planning Document in December 2008. The new guidance did not indicate reasons for planning permission to be refused. The case officer was satisfied that the proposals would have an acceptable impact on the setting of the Listed church and on the character and appearance of the Conservation Area. The proposals would not result in unacceptable loss of light, loss of outlook or loss of privacy for No. 18 Church Lees. The site had long established use as a church, being in an area typical of where such community facilities were commonly located and the proposed building would have no windows or doors facing neighbouring dwellings, with the main entrances facing the existing church. The Highway Authority had not objected to the application on grounds of parking or highway safety, despite the church not having any off street parking. The proposed building was intended to serve the needs of the adjacent church and local community, and therefore would be accessible by walking and cycling for a large proportion of the residents that it would serve. On-street parking associated with the church was a long established feature of the locality. In addition, the current application proposes the installation of cycle parking. Therefore the proposals were considered acceptable in terms of parking and highway safety. The assessment on loss of trees and impact on retained trees was the same as that contained in the 2007 report, as the objection now was the same as that previously made. Current proposals added an air source heat pump to the scheme to meet the requirements of Local Plan Policy DP13 for on-site renewable energy production. The heat pump would be located to the rear of the proposed building, not far from the boundary with No. 18 Church Lees. The applicant had submitted calculations to show noise levels at the nearest part of No. 18 Church Lees. Having considered these figures, Environmental Health had confirmed that they did not foresee any noise nuisance for the adjacent dwellings. The visual impact of the heat pump would be mitigated by the provision of a timber screen and, taking into account its discrete position to the rear of the proposed building, it would not harm the character and appearance of the Conservation Area or the setting of the Listed Building.

In response to public concerns, other than those which did not justify refusal of planning permission or those that were not relevant, the case officer had recommended conditions to require details of any external lighting, the submission of a contamination report due to the presence of recent graves near the site, a programme of archaeological work to be carried out and the submission of drainage details.

Additional information was circulated at the meeting in the officers addendum these were two letters one from the Vicar of the Church in response to concerns raised at the previous meeting of the Committee and

another was from Bishop's Tachbrook Parish Council explaining their reasons for supporting the application.

Following consideration of the report and presentation, along the information contained within the addendum the Committee were of the opinion that the application should be granted in accordance with the recommendation.

**RESOLVED** that W10/0865 be GRANTED, subject to the following conditions listed:

(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) 0303/P-11H, 0303/P-12E & 0303/13, and specification contained therein, submitted on 15 November 2010 & 24 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 and rainwater goods at a scale of 1:5 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan;

(4) development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by toxic or other noxious materials and on the remedial measures required to deal with the hazards. No development shall be commenced until all toxic or obnoxious materials have been removed or otherwise treated in accordance with details which have been

approved in writing by the District Planning Authority. REASON: To protect the health and safety of future occupiers;

(5) a landscaping scheme 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. REASON: To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan;

(6) no works or development shall take place and no machinery or materials shall be brought onto site until a scheme for the protection of the retained trees has been agreed in writing with the District Planning Authority. No works shall take place other than in accordance with this scheme. The scheme shall include:

(a) plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (see para. 5.2.2 of BS5837:2005 Trees in relation to construction - Recommendations) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
(b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.
(c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998:1989: Recommendations for tree work.
(d) the positions (shown on the plan at paragraph (a) above) of any Ground Protection Zones (see section 9.3 of BS5837) along with details of how ground will be

protected from compaction and other damage.

(e) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (see section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase and the District Planning Authority have inspected and approved the barriers.

(f) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs, including storm and foul water (see section 11.7 of BS5837) and of the methods to be used for the installation of these.

(g) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (see para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

(h) the details of the construction and working methods to be employed for the installation of paths within the Root Protection Areas of retained trees, which must be permeable and so designed to minimise excavation.

(i) the details of the means of access to the site for all plant, machinery, materials and staff, including details of any measures to be employed to limit the size, weight or ground pressure of vehicles entering the site.

(j) the details of and location of all areas to be used for storage of plant, machinery and materials and all areas to be used for the mixing of cement and other material.

(k) the details of the location of and the method to be employed for the stationing, use and removal of site cabins.

(l) the details of tree protection measures for the hard landscaping phase.

(m) the details of the working methods to be employed with regard to the access for and use of heavy, large or difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.

(n) details of the means by which the requirements of this condition and any document produced in accordance with it shall be communicated to staff on site and of steps to be taken to ensure that this condition is complied with throughout the construction period.

No excavation, movement of machinery or storage or mixing of materials shall take place within the Tree Protection Barriers identified at paragraph (e) above.

No work shall be carried out to any retained tree on the site other than in accordance with details submitted under paragraph (c) above.

No fires shall be lit within 10m of the outside edge of the canopy of any retained tree.

REASON: To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP3 of the Warwick District Local Plan;

(7) no development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. 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;

(8) 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;

(9) 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;

(10) 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;

(11) no lighting shall be fixed to the external walls or roof of the building hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority. 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;

(12) 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; and

(13) the cycle provision shown on the approved plans shall be completed before the church hall hereby permitted is first used 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.

153. **W10/1364 – TALISMAN SQUARE, KENILWORTH**

The Committee considered an application from Cobalt Estates (Kenilworth) for the construction of a temporary car park.

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

The case officer considered the following policies to be relevant:

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (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)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that development of the site as a temporary car park would give it a beneficial use and improve the appearance of the area. Such a use was supported by at least two of the shopkeepers. It was considered that the proposed 1.8m screen fencing was adequate and that planting was not justified for such a small proposal. The Committee noted that there were no specific policies about the provision of public car parks, although parking policies for built development were set out in the Vehicle Parking Standards SPD. In general, these set out maximum standards and tried to encourage more sustainable means of transport. However, it was still considered that a small, surfaced, car park in a central position was better than a derelict site waiting for an up-turn in the economy. It was also considered that a review in 12 months was not justified since the redevelopment was simply a matter of economics, as the long term intention of the developer was to carry out the shopping development scheme. Since this was a cleared, derelict, site it was considered that there was no reason to justify a nesting bird condition and note. The proposal was therefore considered to comply with the policies listed.

Dr R Morris addressed the Committee outlining the concerns of objectors and the Warwickshire Association of the Blind and sighted that the reasons for refusal of the previous application had not been addressed in the revised application.

The officers addendum circulated at the meeting proposed amendment to a condition and the addition of a further condition to provide remedial steps to alleviate the concerns of Warwickshire Association of the Blind.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be deferred to enable a site visit, further consultation with the applicant and the views of WCC highways.

**RESOLVED** that application W10/1364 be deferred to enable a site visit to be undertaken along with along with further consultation with the applicant and to enable receipt of the views of WCC highways.

154. **W10/1393 – KENILWORTH CEMETERY, OAKS ROAD, KENILWORTH**

The Committee considered an application from Warwick District Council for construction of an ornamental pond and associated bund.

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

The case officer considered the following policies to be relevant:

DP11 - Drainage (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)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
Planning Policy Statement 25 : Development and Flood Risk

It was the case officer's opinion that the proposed works would lead to a potential improvement in the area's appearance and provide a solution to drainage problems on site. Objections of neighbouring properties in relation to future maintenance of the site would need to be addressed in the maintenance scheme recommended in the pre-commencement condition. The 0.5 metre bund would provide a limited increase in ground level and would not cause a significant loss of privacy to neighbouring dwellings. High density planting would be used at the ends of the bunds to discourage access and prevent loss of privacy and this could be addressed through a requirement for the submission of a detailed landscaping scheme. The sloped topography of the cemetery already allowed for views of these houses from further north of the curtilage of the cemetery. The proposal was therefore considered to comply with the policies listed.

Mr R Faries addressed the Committee on behalf of the objectors to the application as outlined in the report. Councillor Mrs Blacklock spoke in favour of the application explaining the reasons why it was brought forward.

Following consideration of the report and presentation, along with the speakers at the meeting the Committee were of the opinion that the application should be granted in accordance with the recommendation subject to two further conditions requiring maintenance scheme to be submitted and approved prior to commencement of the development and requirement for the provision of necessary safety measures because of the depth of the water involved.

**RESOLVED** that application W10/1393 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) showing the location and typical section, and

specification contained therein, submitted on 20th 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 work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **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;

(4) no development shall be carried out on the site which is the subject of this permission, until details of the proposed planting scheme and a landscape maintenance plan, including subsequent maintenance) have been submitted to and approved in writing by the District Planning Authority (In consultation with the Warwickshire Museum Ecology Department). The development shall not be carried out otherwise than in full accordance with such approved details. **REASON**: To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(5) a maintenance scheme to be submitted and approved prior to commencement of the development and

(6) the provision of necessary safety measures because of the depth of the water involved.

155. **W10/1455 – OAKTREE WHARF, LAPWORTH STREET, BUSHWOOD, LOWSONFORD, HENLEY-IN-ARDEN**

The Committee considered a retrospective application from Mrs Giblin for use of land for stationing of a mobile home for permanent residential occupation.

The application was presented to the Committee because a number of contrary letters had been received and because of the need for enforcement action.

The case officer considered the following policies to be relevant:

Planning Policy Guidance 2 : Green Belts
RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
RAP4 - Providing Rural Affordable Housing (Warwick District Local Plan1996 - 2011)
SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the principal issue was whether there were 'very special circumstances' to justify the siting of a mobile home, as required by PPG2: Green Belts, since such a use of land was not an 'appropriate' use within the green belt and was therefore, by definition, 'harmful'. The applicant was aware of this issue since she was one of the applicants in a previous refused proposal for the mooring of a narrow boat and subsequent appeals. Provision of a 'taxi' business did not amount to very special justification for a dwelling and therefore was similar to that when the application for the residential mooring was refused in December 2005 and dealt with by the Inspector at the subsequent appeal. While there was local support for the applicant, generally based on the taxi business, the operation of such a business did not amount to a justification and there were other taxi businesses in the area. It was considered, therefore, that the 'very special circumstances' needed to over-ride Green Belt policy did not exist and, therefore, the application should be refused and an Enforcement Notice served to cease the use of the land for residential purposes and remove the mobile home since there was no need for its retention in connection with the residual use of the land for agricultural purposes.

The Committee considered the additional information within the addendum circulated at the meeting which outlined views of British Waterways, the Parish Council, along with reptile and vole surveys from the applicant.

The applicant Ms D Giblin addressed the Committee

Following consideration of the report and presentation, the Committee were of the opinion that the application should be refused and enforcement action authorised in accordance with the recommendation.

**RESOLVED** that

(1) application W10/1455 be REFUSED because the site is situated within the Green Belt and Planning Policy Guidance Note 2 states that, within the Green Belt, the rural character of the area will be retained and protected. It also contains a general presumption against "inappropriate" development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed in the Guidance and, in the Planning Authority's view, very special circumstances sufficient to justify departing from this Guidance have not been demonstrated; and

(2) Enforcement Action be authorised to cease the use of the land for residential purposes and to remove the mobile home within 12 calendar months.

156. **W09/0246 - OAKLANDS FARM, 357 BIRMINGHAM ROAD, BUDBROOKE**

The Committee considered an application from Mr R G Butler for the erection of a replacement kennel building (non-material amendment – rotation of the building by 90 degrees anti-clockwise).

The application was presented to the Committee because the applicant was a former District Councillor.

The case officer considered the following policies to be relevant:

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that, as the building site lay below the level of the road and some 35m from it, the building would not be an intrusive feature in the Green Belt when seen by drivers. It would be partially screened from the canal towpath by an existing hedge and old block of kennels, although it would be visible since the replacement building would be significantly taller. Its design was considered to be very similar to many farm buildings and, as such, would not look out of place, subject to the render being painted magnolia. An amendment to the scheme proposed to re-orientate the building so that the large gable end and entrance to the building would face west and be adjacent to the new house, primarily for security and safety purposes. The elevations facing Birmingham Road and the canal would be the sides of the building with its roof pitching away, which would serve to reduce the visual impact of the building from the most important views. It was therefore considered that this alteration to the scheme should be dealt with as a non-material amendment, particularly as there were no near neighbours and it would improve the appearance of the new building as viewed from Birmingham Road and the canal.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be approved in accordance with the officer's recommendation.

**RESOLVED** that the amendment to application W09/0246, to rotate the building 90 degrees anti-clockwise, is non-material and be APPROVED.

157. **W10/1211 – BAKERS BARN, BAKERS LANE, KNOWLE, SOLIHULL**

The Committee considered an application from Mrs S Smith for the erection of a stable and hay store (amendment to roof pitch to 35 degrees) and erection of 1.9m high side walls to vehicular access.

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

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)
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 Guidance 2: Green Belts

The Committee noted that the principle of providing a brick built stable building of this floor area had been previously accepted, partly due to the proximity of the stables to other brick buildings. The roof pitch previously approved was too low for the traditional use of tiles and in the opinion of the case officer would not appear appropriate. The case officer considered the increased roof pitch to be essential for the building to retain a traditional appearance and enable the use of plain tiles, and that this would visually look much more appropriate and respect the character of nearby buildings more than the approved roof height. The increased ridge height of 5.1m was lower than the 6.5m height dismissed at appeal in 2004. It was therefore considered that the visual impact on the openness of the Green Belt would be acceptable. The side walls to the existing access were considered acceptable as these were plain and in line with the hedge line which was about the same height. The proposals were 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 recommendation.

**RESOLVED** that W10/1211 be GRANTED, subject to the conditions listed below:

(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) (B.B.3 received on 17 December 2010; Section through stable received on 11 October 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 development shall not be commenced until an access for vehicles has been provided to the site not less than 4.5 metres in width at any point for a distance of 10 metres, 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;

(4) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a suitable bound material for a distance of at least 10 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON**: To ensure compliance with the Council's standards, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(5) gates erected at the entrances to the site for vehicles shall not be hung so as to open to within 10 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;

(6) The development shall not be commenced until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres extending to the limits of the site boundary in either direction. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the

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

158. **W10/1422 – SHERBOURNE MANOR, VICARAGE LANE, SHERBOURNE**

The Committee considered a retrospective application from Mr D Long for the erection of two glasshouses.

The application was presented to the Committee because an objection had been received from Sherbourne 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)
DP3 - Natural and Historic Environment and Landscape (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 case officer was of the opinion that the design and siting of the two greenhouses was acceptable. They had been located where they were generally screened from both the open parkland and general public views and, therefore, were considered to protect both the setting of the Listed Building and the character of 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 recommendation.

**RESOLVED** that application W10/1422 be GRANTED subject to the greenhouses hereby approved shall be used for the production of plants for Sherbourne Manor only and shall not be used for the production of plants for commercial purposes. **REASON**: Since the commercial production of plants is likely to result in significantly increased traffic levels on the narrow country lanes around the site which would affect the amenities of local residents and could damage the verges leading to a deterioration in the character of the Conservation Area contrary to policies DP2 and DAP8 of the Warwick District Local Plan 1996-2011.

(The meeting ended at 9.00)