PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 13 October 2010 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

93. DECLARATIONS OF INTEREST

Minute Number 95 – W10/0748 - Edmondscote Manor, Royal Leamington Spa

Councillor Mrs Bunker declared a personal interest because she was a treasurer of Warwick Guide Dogs.

Minute Number 101 – W10/0877 – Warwick Boat Club, 33 Mill Street, Warwick

Councillors Higgins and Rhead declared personal interests because it was in their ward.

Minute Number 106 – W10/0975 - 46-48 Bedford Street, Royal Leamington Spa.

Councillor Crowther declared a personal interest in this item because he had previously had some personal dealings with the premises.

Councillor Ms Dean declared a personal interest in this item because it was in her ward and also because she was a health club member at the premises.

94. W10/0748 – EDMONDSCOTE MANOR, LEAMINGTON SPA

The Committee considered an outline application from Guide Dogs for the Blind Association for the demolition of the existing buildings and erection of 35 dwellings.

This was an outline application, therefore detailed design and layout would be reserved for future consideration as part of a reserved matters application.

The application was presented to the Committee because a number of objections were received, including an objection from Royal Leamington Spa Town Council, and because it was recommended that planning permission be granted subject to the completion of a Section 106 legal agreement.

The case officer considered the following policies to be relevant:

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (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)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP5 - Density (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)
Open Space (Supplementary Planning Document - June 2009)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Affordable Housing (Supplementary Planning Document - January 2008)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development would respect surrounding buildings in terms of scale, height, form and massing and would preserve the setting of the adjacent Conservation Area. Furthermore, in principle a development for 35 dwellings would not adversely affect the amenity of nearby residents and would be acceptable in terms of highway safety, flood risk and in terms of the impact on trees / ecology. The proposal was therefore considered to comply with the relevant policies.

An addendum was circulated at the meeting which set out comments made by Warwickshire County Council regarding their Section 106 requirements. Neighbourhood Services (Trees), who objected to the application, had agreed that 35 units could now be accommodated without damage to the treescape. There had also been a further objection received.

Councillor Wheeler, who was the Town Councillor, Mrs Stevenson, who was an objector, and Councillor Gifford, who was the Ward Councillor, all addressed the Committee in objection to the application. They explained that their main concerns were the overdevelopment of the site, increased risk of flooding, intrusion to neighbouring properties, damage to the wildlife and trees in the area and spoiling the landscape. Mr Drayton who was representing the applicant addressed the Committee in favour of the application.

Following consideration of the report and presentation, the information contained within the addendum and the representations made by the Town Councillor, the objectors, the Ward Councillor and the applicant the Committee were of the opinion that the application should be granted with

the amendment of condition number 7 to include '(or whatever percentage figure for the required production of renewable energy is contained in the current adopted local renewable energy policy at the time the scheme is submitted)' after 10%.

RESOLVED that application W10/0748 be GRANTED subject to the completion of a Section 106 agreement to secure affordable housing, open space and contributions for sustainability welcome packs, education, libraries and maintenance of the open space and the following conditions:

(1) this permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-

(a) appearance
(b) landscaping
(c) layout
(d) scale

REASON : To comply with Section 92 of the Town and Country Planning Act 1990 as amended;

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

(3) the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
REASON : To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(4) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) DNS-03A, DNS-04A, DNS-05 & 25.100.01, and

specification contained therein, submitted on 10 June 2010, 25 June 2010 & 21 September 2010, as amended by any reserved matters approval, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(5) details of the means of disposal of storm water and foul sewage from the development (based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of 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;

(6) 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 1996-2011;

(7) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% (or whatever percentage figure for the required production of renewable energy is contained in the current adopted local renewable energy policy at the time the scheme is submitted) of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all

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

(8) no development shall take place until a detailed lighting scheme has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the District Planning Authority will expect lighting to be restricted, and to be kept to a minimum at night across the whole site in order to minimize impact on 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; and
(d) connections to areas important for foraging should contain unlit stretches.
No lighting shall be installed on part of the site other than in accordance with the approved lighting scheme, unless agreed otherwise in writing by the District Planning Authority.
REASON: To ensure appropriate measures are taken in relation to protected species, in accordance with Policy DP3 of the Warwick District Local Plan;

(9) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should also include details of habitat creation measures including the creation and management of bat roosting opportunities (e.g. setting up bat boxes), nesting bird opportunities (e.g. setting up bird boxes), creating areas of wild flower grasslands and reptile refugia, as well as details of managing the whole site for wildlife. It should also include details of enhancement of existing habitat – in particular supplementary planting of suitable buffer zones with appropriate native species. Details of species used and sourcing of plants should be included. In addition the plan

should outline the measures to be taken for the control of the invasive species on site. The plan should also include details of long-term monitoring of the site, including further species-specific monitoring surveys such as an additional badger survey 1 year after completion of works. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with PPS9 and Local Plan Policy DP3;

(10) the development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works has been given to a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the buildings to be demolished. Work should be conducted between suitable months as advised by the bat worker. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for further advice. **REASON**: To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(11) no work of any kind shall be begun on the site until the tree protection measures have been implemented in strict accordance with details that shall have been submitted to and approved in writing by the District Planning Authority. In particular, no work shall be begun until 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;

(12) all existing trees shown to be retained on approved drawing no. DNS-04A shall be retained in accordance with BS 5837:2005 and

shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged or becoming seriously diseased within five years of planting, shall be replaced with trees of such size and species as may be agreed with the District Planning Authority. **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;

(13) it should be ensured that there is no contamination of the watercourse either during or after development. No work shall start until measures have been put in place to ensure that the pollution prevention guidelines produced by the Environment Agency regarding prevention of pollution during working and operation are adhered to. There should be a buffer zone of at least 8 metres between the edge of the watercourse, (i.e. the top of the bank), and the development. **REASON:** To ensure the protection of the watercourse during development, in accordance with Local Plan Policy DP3;

(14) none of the dwellings hereby permitted shall be occupied unless and until a vehicular access to the site has been provided not less than 5 metres in width for a distance of 10 metres into the site, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(15) the existing vehicular access to the site that is to be closed off shall not be reconstructed in such a manner as to reduce the effective capacity of any highway drain or ditch. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(16) no more than one vehicular access shall be made or maintained to the site from Warwick New Road B4099. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick

District Local Plan 1996-2011; and

(17) none of the dwellings hereby permitted shall be occupied unless and until all parts of easterly access of the two existing vehicular accesses to the site has been permanently closed and reinstated in accordance with the standard specification of the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

95. **W10/0801 – 3 ENRIGHT CLOSE, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr A Janda for the erection of a first floor side extension, conversion of the garage and installation of a bay window to form a habitable room and the erection of 3 rear dormer windows to facilitate loft conversion.

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

The case officer considered the following policies to be relevant:
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

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

An addendum was circulated at the meeting which set out three addition comments received from 6 & 15 Enright Close.

Councillor Wheeler, who was the Town Councillor, Mr Holroyde, who was an objector, and Councillor Ms De-Lara-Bond, who was the Ward Councillor, all addressed the Committee in objection to the application. They explained that their main concerns were that Warwick District Council Design Guide had not been adhered to, it would have a negative impact on the street scene and because it was un-neighbourly.

It was proposed and duly seconded that a site visit take place. This motion was not agreed with the chairman using his casting vote against the proposal.

Following consideration of the officer's report and presentation, the information contained within the addendum and the representations made by the Town Councillor, the objectors and the Ward Councillor the Committee were of the opinion that the application should be refused

contrary to the officers recommendation. This was because the submitted application plan contained a large scale section of the proposed dormer which conflicted in its detail with the design of the dormers shown on the rear elevation plan.

Therefore, for the avoidance of doubt, the decision of the District Planning Authority was based solely on the design detail shown on the rear elevation plan.

RESOLVED that application W10/0801 be REFUSED for the following reasons:

(1) the proposed extension would not be subservient in its design and appearance to the existing dwelling and would therefore constitute poor design, contrary to the adopted Residential Design Guide and Policy DP1; and

(2) in conjunction with any extensions or alterations which may be constructed under permitted development rights, this proposal would constitute an overdevelopment of this site which would be detrimental to neighbours amenity by reason of overlooking and resulting in a likely unacceptable increase in car parking on the roads serving this estate contrary to Policies DP2 and DP8.

96. **W10/0857 – LAND REAR OF 112 KINROSS ROAD, LEAMINGTON SPA**

The Committee considered an application from Mr Wright for the erection of two dwellings.

The application was presented to the Committee because of the number of objections received and because it had been requested to be presented to Committee by Councillor Ms De-Lara-Bond.

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)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
Distance Separation (Supplementary Planning Guidance)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development did not cause any material harm to the character and appearance of the area, and that the proposed dwelling would not have an unreasonable impact on outlook or privacy. However, the application site was by definition not previously developed land and in the absence of any material considerations which

would have justified overriding the policy objection due to breach of Policy UAP1.

Mr Eddington and Mr Williamson who were both objecting, and Councillor Ms De-Lara-Bond, who was the Ward Councillor, all addressed the Committee in objection to the application. They explained that there were concerns regarding its scale and form, increased risk of flooding, its visual impact and because it was un-neighbourly. Mr Wilson also addressed the Committee in support of the application.

Following consideration of the report and presentation, the representations made by the objectors, the Ward Councillor and the supporter of the application the Committee were of the opinion that the application should be refused in accordance with the officer's recommendation, but with 2 additional reasons, numbers 2 and 3.

RESOLVED that application W10/0857 be REFUSED for the following reasons:

(1) policy UAP1 of the Warwick District Local Plan 1996-2011 states that residential development will be permitted on previously developed land and buildings within the confines of the urban area but that in all other circumstances, residential development will not be permitted for open market housing.

The application site does not constitute previously developed land as defined in Annex B to Planning Policy Statement 3: Housing. The proposed development is therefore contrary to the aforementioned policy and it is not considered the submitted application contains any circumstances which would justify overriding an objection on grounds of conflict with the terms of the aforementioned Policy UAP1;

(2) the proposed development in this backland location would fail to harmonise with the existing character of this established layout and the loss of this presently open site would be detrimental to the amenity of occupants of properties adjoining the site. Contrary to Policies DP1 and DP2; and

(3) the proposed alterations to resite the side access door into No. 112 Kinross Road to the rear elevation would be an unacceptably contrived proposal which would still result in occupants and visitors to that property having to emerge directly onto the proposed access driveway in a manner likely to result in danger; contrary to Policy DP6.

97. **W10/1029 – ROSELAND COTTAGE, ROWINGTON**

The Committee considered an application from Mr Marsden for the change of use of the land at the side of Roseland Cottage to form a parking area.

The application was presented to the Committee because it had been requested to be presented to the Committee by Councillor Caborn.

The case officer considered the following policies to be relevant:

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
Planning Policy Guidance 2 : Green Belts

The case officer was of the opinion that the construction of the parking area would radically alter the character of the land not only because of the engineering works but also because of the vehicles that would be parked on the land. The development was not considered to be of 'very special justification' .

An addendum was circulated at the meeting which set out comments made by Warwickshire County Council regarding two conditions being added. It also explained that a neighbour had submitted a copy of another planning case with similarities.

Mr Barker addressed the Committee in objection to the application. He explained that he had concerns regarding the effect on the landscape and also that he did not believe that this application had very special circumstances. Councillor Lickorish and the applicant, Mr Marsden addressed the Committee in support of the application.

Following consideration of the report and presentation, the information within the addendum, the representations made by the objector, the Parish Councillor and the applicant the Committee were of the opinion that the application should be refused in accordance with the recommendation.

RESOLVED that application W10/1029 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.

98. **W10/1033 – YEW TREE COTTAGE, OLD WARWICK ROAD, LAPWORTH**

The Committee considered an application from Mr Nelson for the change of use of land to form part of residential cartilage, the construction of new vehicular access and erection of brick boundary wall and gates.

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

The case officer considered the following policies to be relevant:

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

The case officer was of the opinion that the development did not prejudice the openness and rural character of the green belt area and did not result in harm to highway safety and was considered to comply with the relevant policies.

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

RESOLVED that application W10/1033 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), and specification contained therein. The development on site shall be altered in accordance with the approved plans within one calendar month of the date of this permission. **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) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be

carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority.
REASON : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

99. **W10/0737 - SANDALL HOUSE FARM, NARROW LANE, SOLIHULL**

The Committee considered an application from Ms Saber for the erection of a single storey rear extension with balcony.

The application was presented to the Committee because an objection had been received from Rowington 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)
RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development respected the scale, design and character of the original dwelling and did not harm the general openness or rural character of the green belt/rural area within which the property was situated. The proposal was therefore considered to comply with the relevant policies.

An addendum was circulated at the meeting which set out a formal complaint from a neighbour and some background information relating to the property.

Following consideration of the officer's report and presentation the Committee were of the opinion that the application should be granted subject to an additional condition for the use of the extension for private purposes only.

RESOLVED that application W10/0737 be GRANTED subject to the following conditions:

(1) the development hereby permitted shall be completed and retained strictly in accordance with the details shown on the approved drawing(s) 5407-404, 5407-303, and specification contained therein, submitted on 8th June 2010 unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

(2) the extension hereby permitted shall be used solely for the private residential use of the property known as Sandall House Farm and for no commercial purpose whatsoever.

100. **W10/0877 – WARWICK BOAT CLUB, 33 MILL STREET, WARWICK**

The Committee considered an application from Warwick Boat Club Ltd for the erection of a concrete shed on existing concrete plinth following the demolition of the existing timber shed.

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

The case officer considered the following policies to be relevant:

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)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development site was well screened from public view and that it would not cause substantial harm to the Conservation Area.

Following consideration of the report and presentation the Committee were of the opinion that the application should be refused contrary to the recommendation.

RESOLVED that application W10/0877 be REFUSED because unsympathetic materials of construction would be detrimental to the character and appearance of the Conservation Area, failing to enhance its setting, thereby contrary to Policies DP1 and DAP8 in the Local Plan and provisions of PPS5.

101. **ADJOURNMENT OF MEETING**

The Chairman adjourned the meeting of Wednesday 13 October 2010 to Thursday 14 October 2010 at 6.00pm.

(The meeting adjourned at 10.05 pm)

RESUMPTION OF THE ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday 14 October 2010 the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Illingworth (Chairman); Mrs Blacklock, Ms Dean, Dhillon, Mrs Higgins and Rhead.

Apologies for absence were received from Councillors Mrs Bunker and Copping.

102. **MINUTES**

The minutes from the meeting held on the 22 September 2010 were approved and signed by the Chairman as a correct record.

103. **W10/0950 - LINCOLN CROFT, CHURCH ROAD, KENILWORTH**

The Committee considered an application from Mr S Ahark for the erection of a single storey rear extension.

The application was presented to the Committee because an objection had been received from Beausale, Haseley, Honiley and Wroxall 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)
RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
Planning Policy Guidance 2: Green Belts

It was the case officer's opinion that the development respected the scale, design and character of the original dwelling and did not harm the general openness or rural character of the green belt/rural area within which the property was situated. The proposal was therefore considered to comply with the relevant policies.

An addendum was circulated at the meeting which provided more information regarding planning permission for the Veranda.

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

RESOLVED that application W10/0950 be GRANTED subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing no. 1200-400 and -401, and specification contained therein, submitted on 28th July 2010 and 9th August 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.

104. **W10/0956 - 7 HIGH STREET, BARFORD, WARWICK**

The Committee considered an application from Mr J Lillie for the erection of two storey and single storey rear extension and render complete house.

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

The case officer considered the following policies to be relevant:

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
Barford Village Design Statement (September 2009)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. Furthermore, the proposal would not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the relevant policies.

Following consideration of the report and presentation the Committee were of the opinion that the application should be granted in accordance with the recommendation, subject to the addition of a condition requiring to the 10% energy requirement.

RESOLVED that application W10/0956 be GRANTED subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number 2964-2 Rev A, and specification contained therein, received on 20th September 2010 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick

District Local Plan 1996-2011; and

(3) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

105. **W10/0975 - 46-48 BEDFORD STREET, LEAMINGTON SPA**

The Committee considered an application from The Urban Student Company for the conversion of two frontage buildings to two 6 bed student accommodation together with alterations to existing shopfront.

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

The case officer considered the following policies to be relevant:

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, is of an acceptable standard of design and detailing and preserves the character and appearance of the Conservation Area within which the

property is situated. Furthermore, the proposals would not adversely affect the living conditions of neighbouring residents and would be acceptable in terms of parking. The proposal was therefore considered to comply with the policies listed.

There was an addendum circulated at the meeting which explained that recommendations 4, 6 and 7 had been changed.

Following consideration of the report and presentation the Committee were of the opinion that the application should be granted in accordance with the officers recommendations, including the amendments to conditions 4, 6 and 7 in the addendum.

RESOLVED that application W10/0975 be GRANTED subject to the completion of a Section 106 agreement to secure a contribution for the provision / enhancement of public open space; and 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) 1713-01B, 1713-03, 1713-04A, 1713-06A, and specification contained therein, submitted on 2 August 2010, 16 September 2010 & 20 September 2010, unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(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) and the shopfront alterations at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.
REASON : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP7 of the Warwick District

Local Plan 1996-2011;

(4) the residential accommodation hereby permitted shall not be occupied unless and until the demolition work to create the courtyards shown on drawing no. 1713-01B has been completed and the floor and walls of the courtyard have been finished in accordance with details that shall have been submitted to and approved in writing by the District Planning Authority. **REASON** : To provide a satisfactory living environment for future occupiers of the development, Policy DP2 of the Warwick District Local Plan 1996-2011;

(5) 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;

(6) the development hereby permitted shall not be occupied unless and until the refuse / recycling area shown on approved drawing no. 1713-01B has been made available for the storage of refuse / recycling in strict accordance with the approved plans. The approved refuse / recycling area shall be retained for the purposes of storing refuse / recycling for the development hereby permitted at all times thereafter, unless agreed otherwise in writing by the District Planning Authority. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(7) the cycle provision shown on the approved plans shall be completed before the development hereby permitted is occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON** : To ensure that

there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

(8) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and

(9) all window and door frames shall be constructed in timber and shall be painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

(Councillor Rhead left at the conclusion of this item)

106. **W10/0980 - FLAT 1, LORIEN HOUSE, 40 WARWICK PLACE, LEAMINGTON SPA**

The Committee considered an application from Mr D Beeston for alterations to the existing ground floor and basement apartment to form a separate basement flat, the installation of new doors and windows, the installation of railings to the front boundary, the demolition of existing rear extension and the erection for single storey orangery extension.

The application was presented to the Committee because it was recommended that planning permission be granted subject to the completion of a legal agreement.

The case officer considered the following policies to be relevant:

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP7 - Restoration 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)

It was the case officer's opinion that the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. Furthermore, the proposals would be acceptable in terms of car parking. The proposal was therefore considered to comply with the relevant policies.

Following consideration of the officer's report and presentation the Committee were of the opinion that the application should be granted in accordance with the officers recommendation and the completion of a Section 106 agreement to secure a contribution for the provision / enhancement of public open space.

RESOLVED that application W10/0975 be GRANTED subject to the completion of a Section 106 agreement to secure a contribution for the provision / enhancement of public open space and 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) 1438.102D, 1438.103C, 1438.105A & 1438.106A, and specification contained therein, submitted on 28 July 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), rainwater goods and the orangery at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

REASON : For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

(4) all window and door frames shall be constructed in timber and shall be painted and not stained. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

(5) 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;

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

(7) the dwelling hereby permitted shall not be occupied unless and until the front boundary railings shown on the approved plans have been installed in strict accordance with the approved details. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

107. **W10/0980 LB - FLAT 1, LORIEN HOUSE, 40 WARWICK PLACE, LEAMINGTON SPA**

The Committee considered an application from Mr D Beeston for alterations to the existing ground floor and basement apartment to form a separate basement flat, the installation of new doors and windows, the installation of railings to the front boundary, the demolition of existing rear extension and the erection for single storey orangery extension.

The application was presented to the Committee because it was recommended that the associated planning application is approved subject to the completion of a legal agreement.

The case officer considered the following policies to be relevant:

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, and was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property was situated. The proposal was therefore considered to comply with the relevant policies.

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

RESOLVED that application W10/0980LB be GRANTED subject to the following conditions:

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

(2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 1438.102D, 1438.103C, 1438.105A & 1438.106A, and specification contained therein, submitted on 28 July 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), rainwater

goods and the orangery at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

(4) All window and door frames shall be constructed in timber and shall be painted and not stained. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

(5) 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.

107. **W10/1042 - 18 CLOISTER WAY, LEAMINGTON SPA**

The Committee considered an application from Aveley Homes LTD for the demolition of the existing bungalow and construction of placement two storey house.

The application was presented to the Committee because there was a potential conflict with PPG2 (Green Belts) and Local Plan Policy RAP3 (Replacement Dwellings).

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)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
RAP3 - Replacement Dwellings (Warwick District Local Plan1996 - 2011)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. Furthermore, in terms of Green Belt policy, there are very special circumstances to justify the construction of a dwelling materially larger than the existing dwelling. The proposal was therefore considered to comply with the relevant policies.

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

RESOLVED that application W10/1042 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) 1334/03B, 1334/04A & 1334/05B and specification contained therein, submitted on 10 August 2010 & 30 September 2010, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(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) no development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District

Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(5) 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;

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

(7) all hard surfaces hereby approved shall be made of porous materials. **REASON :** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.

108. **ENF 479/51/09 - GARAGES ASSOCIATED WITH FLAT 2 REDLAND HOUSE, 78 RUSSELL TERRACE, LEAMINGTON SPA**

The Committee considered a report for the un-authorised change of use from a domestic garage to a storage plant, equipment and machinery associated with a horticultural business.

The matter was presented to the Committee in order to request that enforcement action be authorised.

The case officer considered the following policies to be relevant:

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
UAP2 - Directing New Employment Development (Warwick District Local Plan 1996 - 2011)
RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the use of the site for the storage of horticultural plant, equipment and machinery was unacceptable. The owner had failed to cease the use and therefore it was considered that the service of an Enforcement Notice was the only option available to satisfactorily resolve the issue.

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

RESOLVED that enforcement action be authorised to ensure that the use of the site for the storage of plant, equipment and machinery ceases with a compliance period of one month.

(The meeting finished at 7.15pm)