PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 18 December 2012 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Illingworth (Chairman); Councillors Mrs Blacklock, Mrs Bromley, Cross, MacKay, Rhead, Weed and Wilkinson.

Apologies were received from Councillors Brookes and Ms De-Lara-Bond.

152. **DECLARATIONS OF INTEREST**

Minute Number 155 – W12/1260 – 102 Montague Road, Warwick

Councillor Cross declared that he was a Ward Councillor.

Minute Number 156 – W12/1315 – Stoneleigh Park, Plots 68, 69, 75, 79, 85 and 86, Kenilworth

Councillor MacKay declared a personal interest as a known supporter and that he was a Ward Councillor.

Minute Number 161 – Report on Solar Panels Guidance Leaflet for Listed Buildings and within Conservation Areas

Councillors Mrs Blacklock and Rhead declared personal interests.

153. **SITE VISITS**

To assist with decision making, Councillors Mrs Blacklock, Brookes, Mrs Bromley, Cross, Ms De-Lara-Bond, Ms Falp, Illingworth, MacKay, Rhead, Weed and Wilkinson visited the following application site on Saturday 15 December 2012:

W11/0555 – Quarry Park, Old Milverton Lane, Old Milverton, Leamington.

154. **MINUTES**

The minutes of the meeting held on 6 November 2012 were approved and signed by the Chairman as a correct record.

155. **W12/1260 – 102 MONTAGUE ROAD, WARWICK**

The Committee considered an application from Mr Davies for the erection of a two-storey side extension and single-storey rear extension to form two 2-bedroom and one 1-bedroom apartments, with the demolition of an existing utility room, WC and garage.

The application was presented to the Committee because a number of objections were expected to be received.

The case officer considered the following policies to be relevant:

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)

An addendum circulated at the meeting gave details of two further objections received following publication of the agenda, bringing the total number of written objections received to seven. It also stated that: Severn Trent Water had no objection; Neighbourhood Services (Open Space) requested a contribution towards the improvement of local public open space in accordance with the SPD; and Community Protection had no objection, subject to conditions requiring details of existing and proposed drainage systems, percolation testing and foul and surface water calculations, to ensure no adverse effect on existing drainage systems. A condition requiring these matters had already been included in the recommendation to the Committee.

Mr Fathers addressed the Committee, objecting to the application on the grounds that the sewerage was insufficient. He lived in a neighbouring property and his patio had already been flooded with sewage on three occasions. He was also concerned that the new road access was at a point where children and wheelchair users regularly crossed the road, and he wanted assurance that his garage would be returned to a waterproof standard.

Mrs Laverick objected to the application because the proposed flats were unlike any other nearby dwellings and in particular because of the large number of pedestrians who crossed the road at this junction. She also mentioned that some years ago, when petrol tanks had rotted and polluted the sewers, she had been told that the sewers were already to capacity.

Mr Laverick set out objections on behalf of another neighbour who was unable to attend the meeting. Those objections were that a new living space was adjacent to his daughter's bedroom and would create noise, that the build quality of the property was bad and that the single storey rear extension would result in loss of light.

Mr Davies spoke in support of his application, stating that he was unable to identify any defects with the development, that he believed it was a first

class proposal and that the builders in question were top quality. He stated that the sewerage pipe currently served six properties but was capable of serving up to 12. The proposal complied with regulations and Mr Davies suggested that the build quality was better than existing properties in the area.

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 or highway safety. The proposal was therefore considered to comply with the policies listed.

The Committee felt that a site visit was necessary in order to investigate some of the concerns raised by the speakers. Members also wished to establish whether there was a dropped kerb at the roadside. While the Committee accepted that Severn Trent Water did not comment on developments of less than six houses, Members were keen to establish Severn Trent's views on the sewer system and so they suggested that officers ask Severn Trent specifically about flood problems in the area.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained in the addendum, the Committee was of the opinion that a decision on the application should be deferred pending a site visit.

RESOLVED that item W12/1260 be DEFERRED to allow the Committee to undertake a site visit.

156. **W12/1315 – STONELEIGH PARK, PLOTS 68, 69, 75, 79, 85, 86, KENILWORTH**

The Committee considered an application from Lasalle Investment Management for variation of Condition 2 of planning application W/12/0231 for the erection of an equine well-being facility/livery yard (sui generis uses) to include two American stable barns, isolation stables, vets facility building, foaling unit building, lecture/mess room building, storage barn, five timber cabins to provide office, physiotherapy and cabin accommodation, horse exerciser, lunge ring, horse arena and other ancillary facilities.

The application was presented to the Committee because an objection had been received from Stoneleigh & Ashow Joint Parish Council.

The case officer considered the following policies to be relevant:

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
National Planning Policy Framework
SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)
SSP3 - Stoneleigh Park (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

Mr Fryer expressed the Parish Council's objections to the application. When the original planning permission had been granted, much was made of the intention to create a high quality science park on the site. The Parish Council did not feel that the proposal before the Committee was a quality development, but a cheap one using low cost materials, continuing what the Parish Council perceived as a downward spiral for the site in both quality and cost. The Committee was therefore urged to reject the proposal in support of more suitable development.

Mr Hooper spoke in support of the application. Over the past 18 months Lasalle Investment Management had sought to work with the District Council to breathe new life into Stoneleigh Park. Improvement of the equine development facility led directly to Stoneleigh Park becoming a quality site. Benefits included changing the layout to reduce the amount of hardstanding, a reduction in the number of sheds and making the site more agricultural in nature. The Parish Council had raised concerns about the impact of the original development and the proposals before the Committee would reduce that impact.

It was the case officer's opinion that the development did not prejudice the openness and rural character of this Green Belt area, or cause unacceptable harm to the Registered Park and Garden or setting of Listed Buildings, and would not cause harm to highway safety. Changes were considered both to be minor and to be an improvement on what was already in place. The application was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, along with the representations made at the meeting, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendation, but were concerned that the condition relating to photovoltaic panels which was attached to the original application should still stand, and so the Committee approved the application subject to that condition still standing.

RESOLVED that item W12/1315 be GRANTED subject to clarification that the 10% energy condition as previously approved still applies and to the following conditions:

(1) the works hereby permitted shall begin not later than 25 July 2015. **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 application form, site location plan and approved drawing(s) (750-P15L, 750-P16L, 750-P18L, 750-P19K, 750-P22E, 750-P23F, 750-P24E, 750-P25D, 750-P29S, 750-P34H, 750-P39A, 750-P42B received on 19 October 2012. 750-P17i received on 28 November 2012), and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) the development hereby permitted shall not commence until a detailed schedule of great crested-newt mitigation measures (to include timing of works, protection measures, enhancement details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **REASON:** To ensure the protection of protected species and compliance with Policies DP3 and DAP3 of the Warwick District Local Plan 1996-2011;

(4) 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 construction 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;

(5) details of the means of the disposal of foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development of the buildings hereby approved is commenced. 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 foul

sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

(6) the development hereby permitted shall only be undertaken in strict accordance with surface water drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc, to include calculations and percolation test results to prove soakaways are viable) within the application site, including a long term management and maintenance plan, which have been submitted to and approved in writing by the District Planning Authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure satisfactory provision is made for the disposal of storm water, to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and to satisfy Policies DP2, DP9 and DP11 of the Warwick District Local Plan 1996-2011 and the National Planning Policy Framework;

(7) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** 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;

(8) the development hereby permitted shall only be undertaken in strict accordance with details of soft landscaping works which have been submitted to and approved in writing by the local planning authority. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation of the development hereby permitted. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To 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; and

(9) The occupancy of the residential accommodation hereby permitted shall be restricted to individuals who are:

- Attending events at Stoneleigh Park, or
- A direct employee at Stoneleigh Park, or
- Undertaking work at Stoneleigh Park

associated with agricultural activities, equestrian based activities, or the well being of the countryside and its inhabitants, or have animals in the care of the Equine Wellbeing facility.
REASON: Since an unrestricted use would be contrary to Policies RAP1 and RAP16 of the Warwick District Local Plan 1996-2011

157. **W11/0555 – QUARRY PARK, OLD MILVERTON LANE, OLD MILVERTON, LEAMINGTON SPA**

An application due to be presented to the Committee from Mr C Markham was withdrawn at the request of the applicant. However the report was presented to the Committee because officers had requested that enforcement action be taken.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

National Planning Policy Framework (NPPF)

It was the case officer's opinion that the external storage of bags of equipment in a manner which was prominently visible from Old Milverton Lane and the adjoining Blackdown Nursing Home had a significant and unacceptable impact on the openness and rural character of the countryside and Green Belt. It was considered therefore that this open storage resulted in significant harm to the openness of the Green Belt and represented an inappropriate use of land, in conflict with paragraphs 87 and 88 in the NPPF as no very special circumstances had been put forward which would outweigh the harm to the Green Belt. Legal advice was that the use permitted by a 2003 planning permission specifically related to a change of use of a building to use for storage rather than to the land and building. Subsequent use of land for open storage was unauthorised and such that the quantity of equipment stored there in bags had an unacceptable impact on the surrounding area and, if not controlled, could potentially escalate further.

The site owners were relying on an informal opinion expressed in a letter dated 16 August 2004 as to the lawful use of the site and had declined to cease the use and remove the bags. Notwithstanding the opinion expressed at that time, current legal opinion was that the 2003 permission did not grant consent for open storage. In all of the circumstances of this case, having regard to the current extent of harm and the potential escalation of the external storage, it was considered appropriate to exercise control over this unauthorised use by way of the service of an enforcement notice.

Negotiations had taken place with the applicant's agent in seeking a compromise which included an amended scheme to retain the hardstanding (retrospective) with no additional hardstanding; no storage of bales greater than two metres in height (proposal sought three metres), no further open storage of bales and an additional bund/screening. To date this compromise had not been achieved and, given the length of time that the application had been undetermined, it was considered that an impasse had been reached and therefore the only way forward would be to pursue enforcement action.

Following the site visit on 15 December 2012 and consideration of the report and presentation, the Committee was of the opinion that enforcement action should be authorised to ensure that the use of open land for storage ceased, but with a compliance period of three months rather than the six recommended in the report.

RESOLVED that enforcement action be AUTHORISED to ensure that the use of open land for storage ceases, with a compliance period of three months.

158. **ENF450/43/08 – MEADOW COTTAGE, HILL WOOTTON ROAD, HILL WOOTTON**

The Committee considered a report in respect of unauthorised development at Meadow Cottage and requesting that enforcement action be authorised.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design.
DP3 - Natural and Historic Environment and Landscape
National Planning Policy Framework.

Unauthorised development had been identified at this site as follows:

1. the incorporation of a significant area of former agricultural land (comprising some 0.46 ha) into the residential site (the "incorporated land") including the excavation of part of that land; the part construction of a storage building currently comprising the erection of substantive concrete columns; and the extension of an existing lake into part of that land in the form of a canal feature;
2. the unauthorised use of part of the site as a permanent storage area comprising the stationing of various containers and piles of debris;
3. extensive works within the site to create an enlarged lake/pond area including the construction of a bridge; and
4. the construction of substantive buildings/structures adjacent to the residential dwelling at the site.

Officers had concluded that these works fell outside of the residential curtilage of the property and did not benefit from permitted development rights.

It was the case officer's opinion that an area of land had been incorporated into the Meadow Cottage site from the adjoining agricultural field within the last 10 years. Previously, this area of land was demonstrably of agricultural character comprising part of the adjacent agricultural field. Subsequently, the hedgerow/tree line demarking the two sites had been removed and re-sited to its current location such that the area of land in question was effectively incorporated into the Meadow Cottage site. Subsequent construction work had taken place on the site and reinforced that position. It was considered that the change of use of this area of land including the operational development comprised inappropriate development in the Green Belt in respect of which no very special circumstances had been identified and to which there was therefore an objection in principle. The resulting significant encroachment into the open countryside materially impacted upon the visual amenities and openness of the surrounding area and of the Green Belt and was considered to be unacceptable for those reasons. The presence of a storage area was considered to materially change the character of the use of the wider site in a manner which comprised inappropriate development in the Green Belt in respect of which no very special circumstances have been identified and to which there was therefore also an objection in principle. An extension to a reservoir/lakes and construction of a new bridge offered the potential to alleviate the risk of flooding in the area by providing additional flood zone capacity. It was understood that unauthorised structures/buildings under construction at the site were intended to provide additional residential floorspace including a swimming pool, changing rooms, garages and a workshop. The buildings collectively fell outside the area of high flood risk, but did fall within the area of lesser such risk. Whilst the bulk of the construction activity in relation to this part of the development had been undertaken fairly recently, there was evidence that a material start was made in 2008 such that the pre-October 2008 permitted development regime applied. It was considered that this part of the unauthorised

development of the site comprised inappropriate development in the Green Belt in respect of which no very special circumstances had been identified and to which there was therefore an objection in principle.

The substantive and extensive range of buildings currently under construction dominated the original dwelling at the site causing it to appear subservient in comparison. By virtue of their location, extent and design, they did not preserve the openness or the visual amenities of either the Green Belt or the surrounding countryside and were considered to be unacceptable for that reason. This element of the unauthorised development fell within Flood Zone 2, the area of lesser risk at the site. Officers remained concerned about the impact of the collective development on site on flood capacity.

In view of the extent and scale of the continuing works at the site and the harm identified, enforcement action was considered to be appropriate in resolving these matters.

The Committee was fully supportive of the proposed enforcement action and asked that Mr Fisher be thanked for producing the report.

Following consideration of the report and presentation, the Committee was of the opinion that enforcement action should be authorised, with a compliance period of six months. Members sought clarification as to whether enforcement action was required for the canal element of the site and agreed that officers, in consultation with legal officers, should establish appropriate wording to address this.

RESOLVED that ENF450/43/08 be AUTHORISED directed at the following matters, all with a compliance period of six months:

(1) the permanent cessation of the use of former agricultural land incorporated into the site for residential purposes; the removal of unauthorised development from that land comprising a series of concrete columns, revised ground levels and a canal feature; the reinstatement of the land to its former agricultural use and former ground levels;

(2) the permanent removal in its entirety of the storage area and all associated stored material and containers; and

(3) the demolition in their entirety of the unauthorised structures/buildings; the removal of all foundations and materials from the site and the reinstatement of the former ground level.

159. **W12/1382 – REAR OF 207, RUGBY ROAD, LEAMINGTON SPA**

The Committee considered an application from Mr & Mrs Hyde & Medwell for the renewal of planning permission W09/1188 for outline application for

the erection of a bungalow on land to the rear of 207 Rugby Road with access onto Conway Road.

The application was presented to the Committee because an objection had been received from Royal Leamington Spa 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)
Distance Separation (Supplementary Planning Guidance)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP6 - Access (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)
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)
National Planning Policy Framework
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

Councillor Gifford spoke in objection to the application, expressing his own concerns and those of residents over the condition of Conway Road. The road was a private one and over the years there had been great difficulty getting people to agree to work on it, resulting in deterioration to both the road and to some of the properties it served. Recent bad weather had exacerbated the problem. Councillor Gifford did not support the approval of another dwelling where access was so poor.

It was the case officer's opinion that the development respected surrounding buildings, did not adversely affect the amenity of nearby residents and would not prejudice highway safety. It was therefore considered to comply with the policies listed.

Responding to questions, officers pointed out that the applicant had stated his willingness to make good the road up to the application site, although this could not be done without the agreement and input of all the owners of the road.

The Committee expressed concerns over the state of the road, drainage and the potential for further damage to be caused by construction traffic. However, Members recognised that the request before them was for renewal of planning permission for an outline application. Therefore, because it was an outline application, it would have to be presented again with reserved matters before any works were carried out.

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

RESOLVED that item W12/1382 be GRANTED subject to the following conditions:

(1) this permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, 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) the layout, scale and appearance of the proposed bungalow,
(b) details of the access arrangements,
(c) details of landscaping.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 as amended;

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

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

(4) the development hereby permitted shall 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;

(5) 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 Policy DP11 of the Warwick District Local Plan 1996-2011;

(6) prior to commencement of the development hereby approved, details of a porous surface treatment for the drive or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, shall have been submitted to and approved by the District Planning Authority. The drive shall be constructed and surfaced, in full accordance with the approved details. **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;

(7) the off street car parking area to serve the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted. **REASON:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 and the Vehicle Parking Standards SPD of the Warwick District Local Plan 1996-2011;

(8) the vehicular access to the site shall not be less than 3 metres wide for a distance of 7.5 metres into the site, as measured from the near edge of the adjacent highway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-

2011;

(9) in the case of the reserved matters specified in relation to the layout, scale and appearance of the proposed bungalow, there shall be no windows or accommodation above ground floor level. **REASON:** To protect the living conditions of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and

(10) 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. **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.

160. **REPORT ON SANDALL HOUSE FARM, NARROW LANE, LOWSONFORD**

The Committee considered a report in respect of enforcement investigations undertaken at the Sandall House Farm site.

Members noted that, over the past few years, there had been a substantial number of reports alleging unauthorised activities and operational development at this site. The investigation of those allegations had involved the use of significant resources within the Enforcement Team and included the submission of retrospective planning applications in respect of which planning permission had been granted.

A summary of the investigations that had been undertaken within the last 2 years and their outcome was appended to the report. Over that period, Rowington Parish Council, the Lowsonford Conservation Society and local residents had expressed on-going concern in respect of the number of alleged breaches of planning control at the site; the absence of enforcement action directed at those matters, and the granting of retrospective planning permissions.

Officers had continued to seek to engage with the owner of the site in order to encourage proactive discussions and the submission of planning applications prior to the undertaking of development, however there were no provisions within planning legislation enabling this to be required. Officers were also continuing to engage with the local community and Parish Council in response to concerns relating to potential breaches of planning control. Nevertheless, their expectations of the Council in taking

action and determining retrospective planning applications appeared to continue to exceed the powers available to the Council in that respect. Further, in order to ensure the most effective use of resources and service provision, this approach had to be balanced in a proportionate manner with the need to increasingly focus on harmful breaches of planning control rather than on minor issues and repeat notifications which it was not expedient to pursue.

Officers therefore concluded that, should unauthorised development occur at this or any other site, in respect of which there was a material planning objection, including for example the repeated regular use of the horse exercise gallops beyond the permitted hours, the remedy of that planning harm would be pursued by appropriate means. However, in the circumstances where there was either no such breach or where no material planning harm resulted, no further action would be taken and in the absence of significant new evidence, further notifications would not be pursued.

Members were keen to see officers' time used appropriately and therefore fully endorsed the approach recommended in the report.

RESOLVED that

(1) the current position in respect of enforcement investigations undertaken at this site be noted; and

(2) the approach being taken by officers in respect of existing and any future such investigations be fully endorsed.

161. **REPORT ON SOLAR PANELS GUIDANCE LEAFLET FOR LISTED BUILDINGS AND WITHIN CONSERVATION AREAS**

The Committee received a report requesting approval for a Solar Panels Guidance Leaflet, which had been produced for the purposes of providing guidance to applicants and informing the Council's development management decision taking.

In the past 12 months, the District Council had received a number of planning applications and dealt with a number of enforcement investigations in relation to the erection of solar panels on listed buildings and unlisted buildings within Conservation Areas. It had become apparent through considering these matters that both applicants and property owners were unaware of what approval was required by the Council and what would be an acceptable form of development.

Officers had therefore produced a draft leaflet to provide guidance relating to the erection of solar panels on listed buildings and unlisted buildings within Conservation Areas. Consultation had been undertaken widely, including English Heritage, the Conservation Advisory Forum, the Institute of Historic Building Conservation and internally within the Planning Department, including Building Control. The document had been modified to encompass the various comments and suggestions which had been suggested and were put forward to the Planning Committee for its

endorsement. The Guidance would be used to inform property owners and inform decisions taken by officers and Planning Committee in determining planning applications and deciding whether to take enforcement action.

While it was recognised that the draft leaflet before them was easy to understand, some of the information was considered to be superfluous because it related to building control and to things which would be checked by professionals anyway. Members also suggested that the leaflet needed to detail the different types of panel available, to explain that a listed building would first need to be insulated and to give an indication of when a person would be able to install panels on a building.

As both Councillors Mrs Blacklock and Rhead had experience of getting panels installed on buildings, they kindly agreed to assist officers in producing a revised leaflet.

RESOLVED that, in light of their past experience, Councillors Mrs Blacklock and Rhead assist officers in producing a revised Guidance Leaflet.

162. **TO CONFIRM THE PUBLIC SPEAKING ARRANGEMENTS FOR THE DETERMINATION OF W12/1143 – COVENTRY AND WARWICKSHIRE GATEWAY DEVELOPMENT**

The Committee were requested to confirm the public speaking arrangements for a major application to be considered by the Committee on Wednesday 19 December 2012.

The Coventry Gateway Development application had created a significant amount of interest locally. Under legislation, the application was classed as a major application and therefore the public speaking entitlement at Planning Committee would normally be increased. A significant number of people had registered to speak on the application and, because of the level of interest, both officers and the Chairman felt that it would be appropriate to further increase the public speaking opportunity.

This Committee had authority to amend its procedures as long as the amendments fell in line with the principles of the Constitution and natural justice. Therefore, based on the parties registered to speak, it was proposed from the Chair that:

1. The three Parish Councils be given five minutes each;

2. The objectors be allowed to speak for a total of 30 minutes (double the normal allocation of 15 minutes) which would give the 10 individuals registered three minutes each;

3. The supporters should have an equal an amount of time and should have 30 minutes in total to address the Committee. This would allow the five supporters six minutes each; and

4. As normal the two District Councillors speaking be given 10 minutes each.

Committee Services had endeavoured to contact all the registered speakers to explain this and that the procedure would be confirmed after the Planning Committee had made a decision. It was anticipated that a few speakers might withdraw, but that the Committee should operate on the approach as set out.

Members felt that objectors should be allocated five minutes each and therefore proposed that the total allocated time for objectors should be 50 minutes and that supporters should get an equal total of 50 minutes.

The Committee noted that, in light of the level of public interest, an audio relay of the meeting would be broadcast in the Assembly Room. Members were concerned that this should not preclude observers from using the public gallery, up to a level that could safely be accommodated.

RESOLVED that the procedures in respect of the Gateway Development application, to be considered by Planning Committee on 19 December 2012, be amended as follows:

(1) the three Parish Councils be given five minutes each to speak;

(2) objectors be allowed to speak for a total of 50 minutes;

(3) supporters be allowed to speak for an equal amount of time to the objectors, that being for a total of 50 minutes; and

(4) District Councillors be given the standard 10 minutes each to speak.

(The meeting ended at 8.10 pm)