Planning Committee

Minutes of the meeting held on Tuesday 15 September 2015 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, Cain, Mrs Falp, Mrs Hill, Mrs Knight, Morris, Stevens and Weed.

Also Present: Committee Services Officer - Miss Amy Carnall; Democratic Services Officer - Miss Jess Brownlee; Legal Advisor – Mr John Gregory; Head of Development Services – Mrs Tracy Darke; Planning Officer – Mrs Jo Hogarth; Planning Officer – Ms Rajvinder Lalli; Planning Officer – Mr Sandip Sahota; and Warwickshire County Highways Officer - Mr Ben Simm.

64. **Substitutes**

There were no substitutes.

65. **Declarations of Interest**

Minute Number 72 – W15/1036 – 17 Whitnash Road, Whitnash

Councillor Mrs Falp declared an interest because she was due to address the Committee, in objection to the application, in her capacity as Ward Councillor. She removed herself from the Committee during the course of the item and did not take part in the debate or vote.

Minute Number 77 – W15/1138 – Bridge Garage, 162-163 Birmingham Road, Warwick

Councillor Morris declared an interest because the application site was in his Ward and he had received a letter from local residents. However, he felt he was able to approach the matter with an open mind.

Minute Number 79 – TPO 491 – Former Foundry Car Park r/o Myton Crofts, Warwick

Councillor Mrs Bunker declared an interest because the site of the tree was in her Ward.

66. **Site Visits**

To assist with decision making, Councillors Ashford, Boad, Mrs Bunker, Cain, Cooke, Mrs Hill, Mrs Knight, Stevens and Weed had visited the following application sites on Saturday 12 September 2015:

W15/0977 – 28 Park Road, Royal Leamington Spa;
W15/1138 – Bridge Garage, 162-163 Birmingham Road, Warwick; and
W15/1297 – Land at The Fosse, Eathorpe

Councillor Mrs Falp advised that she had undertaken her own site visits.

67. **Minutes**

The minutes of the meeting held on 18 August were not available and would be submitted to a later meeting.

68. **W15/1361 – Sydenham Industrial Estate, Sydenham Drive & St Mary's Road, Royal Leamington Spa**

The Committee considered an outline application from Orbit Group Ltd and CHS Developments Ltd for the demolition of existing buildings, the erection of up to 88 affordable and up to 44 low cost dwellings (Class C3). This also included siting and vehicular access from St Mary's Road and Ramsey Road, with all other matters reserved for subsequent approval including landscaping, car parking and all other ancillary and enabling works.

The application was presented to Committee because a similar scheme for residential development on this site was refused by Committee in November 2014 (Ref. W14/1132). This report had been brought before Committee at the earliest opportunity because of an impending public inquiry in relation to that previous refusal. It was important for a decision on the current application to be made before the deadline date for proofs of evidence for the inquiry to ensure that the Council did not incur unnecessary expense.

The officer considered the following policies to be relevant:

National Planning Policy Framework

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)
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)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS8, DS10, DS11, DS17, EC3, HO, H1, H2, H4, SC0, BE1, BE3, TR1, TR2, TR4, HS1, HS4, HS6, HS7, CC1, CC3, FW2, FW3, FW4, HE2, NE1, NE2, NE3, NE5, NE7, DM1 & DM2.

Residential Design Guide (Supplementary Planning Guidance - April 2008)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Distance Separation (Supplementary Planning Guidance)
The 45 Degree Guideline (Supplementary Planning Guidance)
Vehicle Parking Standards (Supplementary Planning Document)
Open Space (Supplementary Planning Document - June 2009)
Affordable Housing (Supplementary Planning Document - January 2008)
Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

The case officer was of the opinion that it was apparent that the balance in the assessment of this application had moved further in favour of a grant of planning permission, since the previous application was considered by Planning Committee in November 2014. Officers were of the view that the previous scheme had been acceptable and recommended approval.

In view of the further evidence and enhanced noise mitigation measures and the situation in which the Council currently found itself in relation to housing land supply, it was considered that there was now a stronger case in favour of the proposals, sufficient to justify Planning Committee taking a different decision this time around. Therefore it was recommended that planning permission be granted.

An addendum circulated at the meeting provided information on responses from WCC Highways, the Canal and River Trust and WDC Environmental Health. In addition, three objections had been received and a summary of their concerns was included.

Further comments from one of the main objectors, Bellagio Stone, was also provided along with the applicant's response to these. The addendum gave further officer comment on the acoustic report and advised that the applicant had carried out a parking and servicing survey of Ramsey Road.

Finally, the addendum proposed a revised recommendation which accounted for the consultation date ending after the Committee had been held. This was a recommendation that authority to grant permission be delegated to the Head of Development Services, in consultation with the Chairman of Planning Committee, after the end of the consultation period on 28 September 2015. This was providing that no significant new issues were raised in any further consultation responses, prior to that date.

The following people addressed the Committee:

Mr Gidley, objecting, on behalf of Bellagio Stone;
Mr Holt, supporting, on behalf of Orbit Housing; and

Mrs Ventham, supporting, on behalf of the applicant.

Following comments made by Mr Gidley in his speech, the Council's legal advisor, addressed Members. He advised that he was comfortable that the application could be considered despite the consultation period still being active, in conjunction with the revised recommendation in the addendum.

Members felt that this development provided a much needed number of new dwellings and were satisfied that the proposed noise mitigation measures, addressed their previous concerns. The Committee felt strongly that the consultation process was important but accepted the reasons why this application had come forward prior to the impending public inquiry in relation to the previous refusal.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Ashford that the application be granted.

The Committee therefore

Resolved that authority is delegated to the Head of Development Services, in consultation with the Chair of Planning Committee, to **grant** planning permission W15/1361 after the end of the consultation period on 28 September 2015, provided that no significant new issues are raised in any further consultation responses received prior to that date and subject to the following conditions:

(1) this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 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) scale
(b) appearance
(c) landscaping

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

(2) application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

(3) the development to which this permission

relates shall begin within three years of the date of this permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

(4) 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 2894-29G and specification contained therein, submitted on 25 August 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(5) no development shall commence until details of surface and foul water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **Reason:** To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy DP11 of the Warwick District Local Plan 1996-2011;

(6) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular 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 retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained 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 be

carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and 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 those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(7) the development shall not begin until a scheme detailing the affordable housing provisions has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- the tenure split;
- the arrangements for the management of the affordable housing;
- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To meet the requirements of Policy SC11 of the Warwick District Local Plan 1996-2011;

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

(9) no development shall commence until a detailed lighting scheme for the site has been submitted to and agreed in writing by the local

planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

(a) low energy LED lighting 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 other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties and to ensure that appropriate measures are taken in relation to protected species in accordance with Policies DP2, DP3, DP9 and DAP3 of the Warwick District Local Plan 1996-2011;

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

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.

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

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.

Reason: To ensure the protection of controlled waters and to prevent pollution in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011;

(11) no development shall commence until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. **Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

(12) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the office building to the rear of Building 7 (as annotated in the Ecological Surveys report produced by Crestwood Environmental Ltd and dated 18 December 2013). All roofing material on this building is to be removed carefully by hand.

Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works shall be implemented within the timescales agreed between the bat worker and the Warwickshire County Council Ecology / Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

(13) no development shall commence until a scheme detailing arrangements to protect residents of the development from excessive traffic and industrial noise entering habitable rooms and the provision of quiet garden areas shielded from road and industrial noise has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. **Reason:** To protect residents of the development from the adverse effects of traffic and industrial noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(14) no development shall take place until details of the design; appearance and exact location of the proposed bollards/barriers to prevent vehicles entering the canal have first been submitted to and agreed in writing by the local planning authority. This shall include details of the timing of installation of the bollards/barriers. The bollards/barriers shall be installed in strict accordance with the approved details and timescales and shall be retained at all times thereafter. **Reason:** To ensure the provision of suitably designed barriers in the interests of safety and to protect users on the canal, the integrity of the canal infrastructure

and to prevent a detrimental impact on the appearance of the canal, in accordance with Policy DP1 of Warwick District Local Plan;

(15) the development shall not begin until a scheme detailing the laying out and future management of the public open space within the site has been submitted to and approved in writing by the local planning authority. The public open space shall be laid out and maintained in accordance with the approved scheme. The scheme shall include:

(a) arrangements for the future management and maintenance of the public open space; and (b) details of how public access will be provided to the public open space in perpetuity.

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

(16) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the anticipated movements of vehicles; the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance; a construction phasing plan; and a HGV routing plan. **Reason:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

(17) no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the District Planning

Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. **Reason:** To ensure preferential pathways are not created to mobilise contaminants into the underlying groundwater, in accordance with the Policy DP9 in the Warwick District Local Plan 1996-2011;

(18) piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. **Reason:** To protect Controlled Waters and linked receptors, in accordance with Policy DP9 of the Warwick District Local Plan;

(19) the development shall be carried out in accordance with the Flood Risk Assessment ref. C6247-01 Rev A by Couch Consulting Engineers that was submitted on 25 August 2015. **Reason:** To minimise the risk of flooding on site and elsewhere, in accordance with the National Planning Policy Framework;

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

next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

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

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

(23) the development hereby permitted shall be built to Code for Sustainable Homes Level 3.

Reason: Since the application has been approved without 10% renewable energy production on the basis that the development is built to Code for Sustainable Homes Level 3, in accordance with the requirements of Local Plan Policy DP13;

(24) none of the flats hereby permitted shall be occupied until the bin store for that flat has been constructed in strict accordance with the plans approved under any reserved matters submission. The bin stores shall be retained and kept available for the storage of refuse and recycling at all times thereafter. **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;

(25) none of the flats hereby permitted shall be occupied until the cycle parking provision for that flat has been constructed in strict accordance with the plans to be approved under any reserved matters submission. The cycle stores shall thereafter be kept free of obstruction and be available at all times for the parking of cycles associated with the development. **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;

(26) the dwellings hereby permitted shall be designed and constructed to ensure that internal noise levels do not exceed the following levels between 0700 hours and 2300 hours:

- 35 dB LAeq,16hour within living rooms;
- 40 dB LAeq,16hour within dining rooms; and
- 35 dB LAeq,16hour within bedrooms.

The dwellings hereby permitted shall be designed and constructed to ensure that internal noise levels do not exceed the following levels between 2300 hours and 0700 hours:

- 30dB LAeq,8hour within bedrooms, with the maximum instantaneous noise level not exceeding 45dB LAmax,fast (Night-time LAmax as prescribed by WHO Guidelines for

Community Noise, 1999).

The external noise level in all private gardens of the dwellings hereby permitted shall not exceed 50dB LAeq,t between 0700 hours and 2300 hours.

Reason: To provide a satisfactory living environment for future occupants of the proposed dwellings, in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(27) best practicable means shall be employed at all times to control noise and dust on the site. Work which is likely to give rise to noise nuisance shall not take place before 0730 hours or after 1700 hours on Mondays to Fridays or before 0730 hours or after 1300 hours on Saturdays. No construction work shall take place on Sundays or Bank Holidays. Delivery vehicles shall not be permitted to arrive on site before 0800 hours or after 1630 hours on Mondays to Fridays or before 0800 hours or after 1300 hours on Saturdays. No deliveries shall be permitted to arrive on site on Sundays or Bank Holidays. **Reason:** To protect the living conditions of nearby residents, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;

(28) the dwellings on plots 70-86 shall not be occupied before 1 November 2017. **Reason:** To allow Bellagio Stone time to consider whether they wish to relocate from their current premises;

(29) none of the dwellings hereby permitted shall be occupied until the car parking and manoeuvring areas indicated on the approved drawings for that dwelling have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;

(30) prior to the occupation of the dwellings on plots 23, 34, 66, 69 & 97, the first floor windows in the side elevations shall be permanently glazed with obscured glass to a

degree sufficient to conceal or hide the features of all physical objects from view. The obscured glazed windows shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;

(31) no heavy goods vehicles associated with the construction of the dwellings hereby permitted shall be permitted to enter or leave the site between 0700 hours and 0930 hours or between 1500 hours and 1700 hours on Mondays to Fridays. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

(32) none of the dwellings hereby permitted shall be occupied until a Green Travel Plan to promote sustainable travel to and from the site has been submitted to and approved in writing by the local planning authority. The approved Green Travel Plan shall thereafter be implemented in full and shall not be withdrawn or amended in any way without the prior written approval of the local planning authority. **Reason:** In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies SC12 & SC4 of the Warwick District Local Plan 1996-2011; and

(33) additional signage relating to safety measures will be added to relevant areas on Ramsey Road.

69. **W15/1107 – Radford Barn, Valley Road, Radford Semele**

The Committee considered an application from Mr Cowgill for the erection of a single storey side extension.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)
Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

The case officer was of the opinion that the proposed extension disrupted the simple form of the converted barn by reason of introducing an element which detracted from the original character and appearance of the building, thereby prejudicing the objectives of the aforementioned policy. If permitted, this type of extension could act as a precedent for extensions to other converted barns which would be difficult to resist, thereby cumulatively eroding the character and appearance of the countryside to the detriment of the open countryside within the District.

An addendum circulated at the meeting advised that a further letter from the applicant had been submitted disputing the reason for refusal.

The following people addressed the Committee:

Mr Cowgill, the applicant; and
Councillor Doody, supporting the application in his capacity as Ward Councillor.

Members asked for clarification on the size of the alleged original building which the speakers stated had part fallen down in the 1970's. The officer advised that there was no evidence to substantiate the claim of the collapsed area.

Councillor Boad reminded Members that policy RAP2 which related to Extensions to Dwellings, advised that additions which represented an

increase of more than 40% to the gross floor space, should be considered disproportionate. He therefore felt unable to support the application and proposed that permission be refused as per the officer's recommendation.

This proposal was seconded by Councillor Ashford and, following a vote, the motion was lost.

Some Members agreed that the original building was much larger than the existing building and remembered the barn falling down. In response to the discussions relating to RAP2, Councillor Cain felt that this was a guideline and that the consideration should focus on the impact the proposal had on the environment.

It was therefore proposed by Councillor Cain and seconded by Councillor Mrs Falp that the application be granted because there was no significant impact on the environment.

Following consideration of the report, presentation and the representations made at the meeting, the Committee

Resolved that application W15/1107 be granted contrary to the officer's recommendation because there was no significant impact on the environment, and subject to the following standard conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on 14th July 2015 and approved drawing no.06 submitted on 3rd August 2015, 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.

70. W15/1297 – Land at The Fosse, Eathorpe

The Committee was advised that this application had been withdrawn prior to the meeting. The Highways Authority had submitted an objection and its concerns were unable to be satisfactorily addressed before the meeting.

71. W15/1245 – 28 Park Road, Royal Leamington Spa

The Committee considered an application from Mr Nanra for a first floor side extension.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

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

The case officer was of the opinion that the development was considered to result in an unacceptable increase in the bulk and massing of the dwelling, in close proximity to the neighbouring dwelling to the detriment of the amenities of the residents of that property.

An addendum circulated at the meeting advised that Royal Leamington Spa Town Council raised no objection and an objection had been received from the occupier of 8 Canberra Mews on the grounds of loss of light and creation of an oppressive outlook. Nine emails of support and one stating a neutral stance to the proposal had also been received from local residents.

The following people addressed the Committee:

Mr Nanra, the applicant; and
Councillor Miss Grainger, in support of the application and in her capacity as Ward Councillor.

Following consideration of the report, presentation and the representations made at the meeting, the Committee felt that impact on the neighbouring property would be too great.

It was proposed by Councillor Boad and seconded by Councillor Weed that the application be refused in accordance with the officer's recommendation.

Resolved that application W15/1245 be **refused** for the following reason:

The proposed first floor side extension by reason of its massing and positioning would result in the introduction of an extension which would unacceptably impact upon the residential amenities of the occupants of 8 Canberra Mews by reason of overshadowing and loss of outlook. The development would therefore be contrary to the National Planning Policy Framework and the following Local Plan Policies:

Current Local Plan:

Policy DP1: Layout and Design

Policy DP2: Amenity

Emerging Local Plan:

Policy BE1: Layout and Design

Policy BE3: Amenity

72. **W15/1036 – 17 Whitnash Road, Whitnash**

The Committee considered an application from Mr Dorgan and Ms Scanlon for the demolition of existing bungalow, construction of two new dwellings and a new vehicular access off Whitnash Road.

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

The officer considered the following policies to be relevant:

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
Open Space (Supplementary Planning Document - June 2009)

The case officer was of the opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Furthermore, the proposals would have an acceptable impact on the setting of the adjacent Listed Building and the Conservation Area. The proposals were also considered to be acceptable in terms of parking and highway safety and it was therefore recommended that planning permission be granted.

Councillor Mrs Falp addressed the Committee in objection to the application and in her capacity as Ward Councillor.

Councillor Ashford advised that he was unsure about the location and felt the dwellings were being 'squeezed in'. It was proposed by Councillor Ashford and seconded by Councillor Stevens that the item be deferred to allow a site visit to take place. Following a vote the motion was lost.

Following consideration of the report, presentation and the representations made at the meeting, Councillor Boad proposed that the application be granted as per the officer's recommendations. This was seconded by Councillor Mrs Bunker.

The Committee therefore

Resolved that application W15/1036 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) MP/1503/005A, MP/1503/006B, MP/1503/007A, MP/1503/008A, MP/1503/009A, MP/1503/10B, MP/1503/11B & MP/1503/14B, and specification contained therein, submitted on 18 August 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out

in accordance with the approved details. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

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

(5) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and

protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;

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

(7) dwelling A shall not be occupied until an access for vehicles has been provided to that dwelling not less than 5.5 metres in width for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway. Dwelling B shall not be occupied until an access for vehicles has been provided to that dwelling not less than 3 metres in width for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

(8) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick

District Plan 1996 – 2011;

(9) neither of the accesses to the site for vehicles shall be used in connection with the development until they have been surfaced with a bound material for a distance of 7.5 metres into the site as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

(10) the accesses to the site for vehicles shall not be used unless public highway footway/verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;

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

(12) the development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first 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 or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

73. **W15/1244– Opus 40, Birmingham Road, Warwick**

The Committee considered an application from Taylor Wimpey for the removal of condition 4 of planning permission W15/0646 (requirement for a scheme for the signalisation of the Haywood Road / Birmingham Road junction to be completed prior to occupation of any of the dwellings).

The application still proposed that a £306,000 contribution be made towards this signalisation scheme as well as providing land within the

application site to enable the road improvement scheme to proceed. Planning permission W15/0646 was for the erection of 85 dwellings.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
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)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS8 - Employment Land (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS10 - Broad Location of Allocated Sites for Housing (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H4 - Securing a Mix or Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS6 - Creating Healthy Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HS7 - Crime Prevention (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC1 - Planning for Climate Change Adaptation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW2 - Sustainable Urban Drainage (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW3 - Water Conservation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE1 - Green Infrastructure (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE7 - Use of Waterways (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)
Distance Separation (Supplementary Planning Guidance)
The 45 Degree Guideline (Supplementary Planning Guidance)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Open Space (Supplementary Planning Document - June 2009)
Affordable Housing (Supplementary Planning Document - January 2008)
Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)
NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

The case officer was of the opinion that the condition was not justified on highway safety grounds and it was therefore recommended that planning permission be granted for the removal of this condition.

An addendum circulated at the meeting advised that WCC Highways had no objection to the removal of the condition and also outlined advice from Legal Services relating to the S106 agreement. It stated that the Section 106 agreement relating to the existing planning permission remained valid and there was no need for a new agreement to be created. The recommendation had been changed to reflect this advice.

In addition, the addendum detailed a number of queries from the applicant about the officer's report and subsequent advice from the officer.

Mr Sim from WCC Highways addressed Members and outlined the highway proposals in relation to the scheme. He also answered questions relating to the applicant's comments in the addendum.

Following consideration of the report, presentation and the representations made at the meeting, Councillor Mrs Bunker proposed that the application be granted as per the officer's recommendation. This was seconded by Councillor Ashford.

The Committee therefore

Resolved that application W15/1244 be granted and the removal of Condition 4 to permission W15/0646 be approved.

74. **W15/1117 – 69 Rounds Hill, Kenilworth**

The Committee considered an application from Mr Derrick for the erection of a detached conservatory.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

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

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

Guidance Documents

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

The case officer was of the opinion that the proposed conservatory, which would cover the existing swimming pool, would not result in such adverse harm to the living conditions of nearby residents such that a refusal of permission could be sustained. The application was thereby considered to meet the aforementioned Local Plan Policies.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Hill and seconded by Councillor Mrs Falp, that the application be granted.

The Committee therefore,

Resolved that application W15/1117 be **granted** subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing number M1518_PL_DRG_01 Rev 1, and specification contained therein, submitted on 28 August 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance

with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

75. W15/0996 – Sandall House Farm, Narrow Lane, Lowsonford

The Committee considered an application from Ms Saber for the construction of an extended drive (50m).

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CT4 - Extensions to Tourism, Cultural or Leisure Facilities in Rural Areas (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

The case officer was of the opinion that the proposed development was acceptable in principle and would not cause unacceptable harm to the character or openness of the Green Belt or the visual amenities of the surrounding area. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Knight and seconded by Councillor Cain that the application be granted.

The Committee therefore,

Resolved that application W15/0996 be **granted** subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 5407-C-200, and specification contained therein, submitted on 23rd June 2015. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

76. **W15/0977 – Wroxall Abbey, Birmingham Road, Wroxall**

The Committee considered an application from Wroxall Abbey Estate for the retention of an extension to an existing marquee, covered walkways and pergolas for a further temporary period of three years. This was a resubmission of permission W/12/0545.

The application was presented to Committee because Wroxall Parish Council supported the proposal and the officer's recommendation was for refusal.

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE4 - Protecting Historic Parks and Gardens (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Vehicle Parking Standards (Supplementary Planning Document)
The case officer was of the opinion that the marquee extension and covered walkways were considered to comprise inappropriate development within the Green Belt to which there was therefore an objection in principle, and in respect of which there were no very special circumstances sufficient to outweigh that harm. Officers felt that their continuing presence at the site resulted in less than substantial but nevertheless significant harm to the setting of the heritage assets within the site, in respect of which there were no public benefits which would outweigh that harm.

The application was therefore recommended to be refused.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Mrs Falp that the application be refused.

The Committee therefore

Resolved that application W15/0977 be **refused** for the following reasons:

(1) the NPPF states development within the Green Belt by definition is inappropriate unless there are very special circumstances which outweigh the harm.

The proposal relates to a the erection of an extension to an existing marquee, pergolas and covered walkways which will be located within the Green Belt.

In the opinion of the Local Planning Authority the marquee extension, pergolas and covered walkways are inappropriate development in the Green Belt which, by definition, are harmful and no very special circumstances to outweigh this harm have been presented.

The development is thereby considered to be contrary to the national objective of protecting the Green Belt; and

(2) policy DAP4 of the Warwick District Local Plan 1996-2011 states that consent will not be granted for development which will adversely affect the special character, historic interest, integrity or setting of Listed Buildings.

The proposal relates to the erection of a marquee extension, pergolas and covered walkways located within the setting of various Listed Buildings and gardens.

In the opinion of the Local Planning Authority the development has a negative impact on the historic interest, integrity and setting of the Listed Buildings by virtue of its size, appearance and incongruous character when viewed in relation to the historic setting of the Wroxall Abbey complex.

The development is thereby considered to be contrary to the aforementioned policy.

77. **W15/1138 – Bridge Garage, Birmingham Road, Warwick**

The Committee considered an application from Mr Rainbow for the demolition of an existing garage building, erection of eight residential flats and associated car parking / landscaping.

The application was presented to Committee because of the number of objections received, including one from Warwick Town Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (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)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)
Open Space (Supplementary Planning Document - June 2009)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)

The case officer was of the opinion that the development was acceptable in principle, 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.

An addendum circulated at the meeting advised that given the site's proximity to the road and railway, Environmental Health had requested an additional condition to secure a noise assessment and carry out any noise mitigation measures within construction, as necessary.

Following consideration of the report and presentation, it was proposed by Councillor Ashford and seconded by Councillor Mrs Knight that the application be granted.

Resolved that application W15/1138 be **granted** subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2015-1523-06B, 2015-1523-07B, 20-15-1523-05 B, and specification contained therein, submitted on 14/07/15. **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 be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first

occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(4) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

Reason: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

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

(6) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and

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

(7) the development hereby permitted shall not be commenced unless and until details for secure, covered cycle parking and a bin storage area have been submitted to and approved in writing by the local planning authority. The approved schemes shall be implemented in full prior to first occupation of the development and thereafter those facilities shall remain available for use at all times. **Reason:** In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development and to protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011;

(8) The development hereby permitted shall only be undertaken in strict accordance with a scheme of site investigation of the nature and extent of contamination within the application site that has been undertaken in accordance

with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall not be occupied until remediation measures have been carried out in full accordance with such approved details and a soil validation report has been submitted to and approved in writing by the local planning authority. **Reason:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;

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

(10) the means of vehicular access to the development hereby permitted shall be from St Mary's Close only. The existing vehicular access to the development on the Birmingham Road shall be closed and the kerb and footway reinstated in accordance with the standard highway specification prior to first occupation of the development hereby approved. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and

(11) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor kitchen window(s) to be formed in the side facing elevations of the building hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall

be at least 1.7m above the floor of any room in which the window is installed. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

78. **TPO 490 – Former Ford Foundry Car Park r/o Myton Crofts, Warwick**

The Committee considered a report requesting authorisation for officers to confirm a provisional Tree Preservation Order (TPO 490) relating to a group of 22 semi mature trees at the rear of Myton Crofts in Warwick.

The report was presented to Committee because an objection had been received against it being confirmed.

It had been brought to the Council's attention that some land clearing had taken place and trees removed to the rear boundaries of properties located at 11 to 23 Myton Crofts.

The 22 semi mature trees of mixed species formed an important linear arboricultural feature in the locality, both as a landscape feature that provided a softening to the vicinity and as a valuable screening between the existing residential area and any existing or proposed commercial areas.

The Council received an objection to the making of the Order from the landowner stating the following:-

- The TPO was inappropriate as they were not an arboricultural feature
- They may present a danger to local residents in the future
- The trees were of a poor specimen
- Screening and landscaping for proposed developments should form part of the development application.
- The Council should provide screening from the waste site.

The case officer was of the opinion that the issues raised in objection to the Tree Preservation Order were not sufficient to outweigh the significant amenity contributions which the trees made to the surrounding area.

An addendum circulated at the meeting advised that a petition in support of the Order had been received and circulated to Members. An amendment to some of the wording in the report was also outlined.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Mrs Falp and seconded by Councillor Mrs Bunker that officers be authorised to confirm the order.

Resolved that TPO 490 be **granted** and officers be authorised to confirm the order.

79. TPO 491 – Land adjacent 29 Dencer Drive, Kenilworth

The Committee considered a report requesting authorisation for officers to confirm a provisional Tree Preservation Order (TPO 491) relating to an oak tree, adjacent to 29 Dencer Drive, Kenilworth.

The report was presented to Committee because an objection had been received against it being confirmed.

A Planning application was received on 19 May 2015 for the erection of a two storey side extension at 29 Dencer Drive, Kenilworth. A site visit by the Planning Case Officer revealed a mature oak tree immediately adjacent the site.

The mature oak tree sat within a hedgerow that formed the eastern boundary of the property and the neighbouring area of open space.

The tree was highly visible from the street scene and was therefore considered to significantly contribute towards the visual amenity of the immediate area.

The Council received an objection to the making of the Order on 6 July 2015 from the property owner immediately adjacent to the tree (the Planning applicant), stating the following:-

- The TPO would prohibit the construction of the extension because of its enhanced protection to the tree.
- They had had professional pruning and removal of ivy from the tree carried out as they valued the tree. Removal of new ivy growth was carried out by them.
- In considering the design of the extension the welfare of the tree was considered and they submitted an application on that basis.
- The purpose of the planning application was to improve the upstairs accommodation so that their elderly mother could stay.
- Given the nature of the plot, there was no other alternative place for the extension to achieve the same benefits.

The case officer was of the opinion that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the tree made to its surrounding area.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Falp and seconded by Councillor Ashford that officers be authorised to confirm the order.

Resolved that TPO 491 be **granted** and officers be authorised to confirm the order.

80. Planning Appeals report

Members received a report from officers outlining the existing enforcement and appeals currently taking place.

Resolved that the report be noted.

81. Le Van, Red Lane, Burton Green

Members were updated on the current situation regarding the enforcement action taken at Le Van, Red Lane, Burton Green.

The Committee authorised enforcement action at the site in February 2015 due to the undertaking of engineering operations, resulting in increased land levels within part of the site, without planning permission.

However, officers advised that since that date they had been working with the applicant to improve the appearance of the site and to install screening measures to mitigate the impact on the surrounding countryside.

Members noted that the applicant had used sympathetic materials and would be adding plants to screen the raised areas. Members therefore agreed that officers should continue to work with the applicant to minimise the effect of the works.

(The meeting ended at 8.45 pm)