

# PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 4 September 2013 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**PRESENT:** Councillor Rhead (Chairman); Councillors Boad, Brookes, De-Lara-Bond, MacKay, Mobbs, Weber, Wilkinson and Williams.

Apologies for absence were received from Councillors Mrs Bunker.

## 61. **SUBSTITUTES**

Councillor Mobbs substituted for Councillor Mrs Bunker.

## 62. **DECLARATIONS OF INTEREST**

Minute Number 65 – Agenda item 6 – W13/0858 – Land to the South of Fieldgate Lane, Whitnash

Councillor Rhead declared a personal interest during discussion of this application because his wife was a member of the local golf club.

Minute Number 66 – Agenda item 7 – W13/0897 – Parmiter House, Arlington Avenue, Royal Leamington Spa

Councillor De-Lara-Bond declared an interest because the application site was located in her Ward.

Minute Number 68 – Agenda item 11 – W13/0715 – 31 Augusta Place, Royal Leamington Spa

Councillor Boad declared a personal interest because Councillor Gifford was a near neighbour.

Councillor Weber declared a personal interest because the application site was in his Ward and he was a regular customer there.

Councillor Wilkinson declared a personal interest during discussion of this application because a friend of his lived near the application site.

Minute Number 69 – Agenda item 13 – W13/0916 – Land adjoining, Glasshouse Lane, Lapworth, Solihull

Councillor MacKay declared a personal interest because he had had several conversations with people concerning the previous application and had spoken with Lapworth Parish Council's Chairman on this application.

Minute Number 70 – Agenda item 15 – W13/1040 – Leamington Spa Bowling Club, Archery Road, Royal Leamington Spa

Councillors Boad, Brookes, De-Lara-Bond, MacKay, Mobbs, Rhead, Weber, Wilkinson and Williams declared an interest because the applicant was Warwick District Council.

## **PLANNING COMMITTEE MINUTES (Continued)**

Minute Number 71 – Agenda item 8 – W13/0307 – Stable Cottage, Sherbourne Park, Church Road, Sherbourne, Warwick

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

Minute Number 72 – Agenda item 10 – W13/0601 – Pear Tree Cottage, 5 Vicarage Road, Stoneleigh

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

Minute Number 73 – Agenda item 14 – W13/0957 – 61 Common Lane, Kenilworth, CV8 2EQ

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

### **63. SITE VISITS**

To assist with decision making, Councillors Boad, MacKay, Rhead and Weber visited the following application sites on Saturday 31 August 2013:

W13/0858 – Land to the South of Fieldgate Lane, Whitnash  
W13/0897 – Parmiter House, Arlington Avenue, Royal Leamington Spa  
W13/0957 – 61 Common Lane, Kenilworth

Councillor Mobbs visited Land to the South of Fieldgate Lane separately.

### **64. MINUTES**

The minutes of the meetings held on 23 July 2013 were agreed and signed by the Chairman as a correct record.

### **65. W13/0858 – LAND TO THE SOUTH OF FIELDGATE LANE, WHITNASH, ROYAL LEAMINGTON SPA**

The Committee considered an outline application from Richborough Estates Limited for a residential development with all matters reserved apart from access.

The application was presented to the Committee because objections had been received from Whitnash Town Council and from Bishop's Tachbrook Parish Council along with several other objections.

The officer considered the following policies to be relevant:

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
DAP2 - Protecting the Areas of Restraint (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)  
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

## **PLANNING COMMITTEE MINUTES (Continued)**

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)  
DP12 - Energy Efficiency (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)  
SC4 - Supporting Cycle and Pedestrian Facilities (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)  
RAP10 - Safeguarding Rural Roads (Warwick District Local Plan 1996 - 2011)  
National Planning Policy Framework  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Open Space (Supplementary Planning Document - June 2009)  
Vehicle Parking Standards (Supplementary Planning Document)  
Warwickshire Landscape Guidelines SPG  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
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)  
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

An addendum circulated at the meeting stated that 274 further standard objection letters had been received and two further letters of objection had been received raising points previously highlighted in the report and some additional matters, which were listed in the addendum. It also gave an updated position on responses from interested bodies and Authorities, much of which would be recommended to form part of any Section 106 Agreement.

It was the officer's opinion that outline planning permission should be granted for the development, subject to the receipt of a satisfactory Section 106 Agreement and various conditions. The officer pointed out that condition 10 in the report was not required because of duplication.

Councillor Mrs Falp spoke to the Committee representing Whitnash Town Council's objections to the application. Further objections were presented by local residents Mr Laws and Mr Chamley. Mr Louth spoke in support of the application and finally Councillor Kirton spoke to the Committee as Ward councillor in objection to the application.

## **PLANNING COMMITTEE MINUTES (Continued)**

A proposal was made to grant permission but with the proviso that officers should obtain more detail on highway issues and with a condition imposed that any additional land required for access be taken from the proposed site and not the golf club but legal advice from the Council's solicitor confirmed that permission could not be granted subject to highway conditions being sorted later. The officer from Warwickshire County Council's Highways Department also confirmed that there were no proposals to widen the lane leading to the golf club. Following advice the proposal was amended to grant permission as per the recommendations in the report.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee resolved to grant outline planning permission subject to the conditions listed in the report and addendum and subject to a satisfactory Section 106 Agreement. Should a satisfactory Section 106 Agreement not have been received by 24 September, delegated authority was given to the Head of Development Services to refuse planning permission on the grounds that the proposals made inadequate provision in respect of the issues the subject of that agreement.

**RESOLVED** that W13/0858 be GRANTED subject to the receipt of a satisfactory Section 106 Agreement and the conditions listed below. Should a satisfactory Section 106 Agreement not be received by 24 September, delegated authority is given to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

### **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 under-mentioned matters hereby reserved before any development is commenced:-
  - (a) layout
  - (b) scale
  - (c) appearance
  - (d) landscaping

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

## **PLANNING COMMITTEE MINUTES (Continued)**

- (2) application for approval of the reserved matters shall be made to the local planning authority not later than three years of 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 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 site location plan and approved drawing(s) (B5418-PL-006A), and specification contained therein, submitted on 24 June 2013. **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) an application for the approval of a construction phasing plan of the development shall be submitted before the expiry of three years from the date of this permission. The development shall hereafter be carried out in accordance with the phases established in the phasing plan as approved by the local planning authority. **REASON:** To ensure the proper phasing of the development;
- (6) no development shall take place under any relevant phase of development until a detailed lighting scheme for that phase 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, and around known bat roosts and badgers setts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
  - a. low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps
  - b. the brightness of lights should be as low as legally possible

## PLANNING COMMITTEE MINUTES (Continued)

- c. lighting should be timed to provide some dark periods
- d. connections to areas important for foraging should contain unlit stretches

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

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

- (7) no phase of the development shall take place under any reserved matters consent until a scheme for that reserved matters consent and phase of development showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the local planning authority. That phase of development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

**REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (8) no development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. **REASON:** To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;

## PLANNING COMMITTEE MINUTES (Continued)

- (9) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (10) the development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan;
- (11) 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

## **PLANNING COMMITTEE MINUTES (Continued)**

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;

- (12) the development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive railway noise entering habitable rooms 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 thereafter.

**REASON:** To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (13) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.

**REASON:** In the interests of fire safety;

- (14) the development hereby permitted shall not commence until:

a) a desk-top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;

b) if identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any



## **PLANNING COMMITTEE MINUTES (Continued)**

diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to human health;
  - a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
  - an appropriate gas risk assessment to be undertaken;
  - refinement of the conceptual model; and
  - the development of a method statement detailing the remediation requirements;
- c) the site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken;
- d) a method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site;
- e) all development of the site shall accord with the approved method statement;
- f) if during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected

## PLANNING COMMITTEE MINUTES (Continued)

contamination shall be deal with; and

- g) upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

**REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (15) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan should include details of planting and maintenance of all new planting. Any new vegetation must be planted at least 2 metres away from the edge of the public bridleway to help ensure that mature growth will not encroach onto the bridleway. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as water bodies, native species planting, wildflower grasslands; provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF;

- (16) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has 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 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; the erection

## PLANNING COMMITTEE MINUTES (Continued)

and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; 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; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **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 part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until adequate measures have been submitted to and approved in writing by the local planning authority and has been put in place to protect existing trees, scrub and ground flora of the adjacent potential Local Wildlife Site, the Railway Cutting, during development. A barrier, such as a wire fence, should be erected before works start. This fenced area should include a buffer zone of between the development and the boundary of the pLWS. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON:** In order to protect and preserve important habitats during development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (18) no part of the development hereby permitted shall be commenced until the following details have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved details.

- Plans showing the existing and proposed

## **PLANNING COMMITTEE MINUTES (Continued)**

drainage systems for the site, showing the location of yard and road gullies, manhole's, soak ways, septic tanks, cess pits and pipes including size, shape, material, fall and level in relation to ground and building levels to ordinate survey datum. This should include a manhole schedule in table format.

- Plans defining the water catchment areas for the site including off site catchment areas that contribute to the drainage areas. This plan should show areas of impermeable and permeable surfaces of the proposed site including calculations of these areas in a clear labelled table.
- Calculations/models of open channel and pipe flows, discharge rates from the site and flood storage design water levels. This should include calculations for 1 in 30 and 1 in 100 year + 30% climate change allowance.
- Long and cross sections through the site and a plan showing the overland flow paths with arrows for storm events that exceed the capacity of the drainage system.
- Show the location of the existing and proposed development in relation to the watercourse, where works are located within 8m of the watercourse the applicant must consult the local land drainage authority to obtain land drainage consent for any proposed structures. The applicant is provide Engineering drawings showing the existing watercourse and the proposed construction detail of the structures
- Plans showing the existing and proposed internal property drainage systems for the site including rain water down pipes, showers, sinks, toilets, WC's, wet rooms, wash basins, wash machines, dish washers and pipes showing how they link up with the external drainage systems.
- The applicant is to obtain discharge consent from Severn Trent Water to prove that there is suitable capacity to within the sewer and pump station to accommodate additional flows.

## **PLANNING COMMITTEE MINUTES (Continued)**

**REASON:** To prevent increased flood risk both on and off the site in accordance with the National Planning Policy Framework and Local Plan Policy DP11;

- (19) 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 landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (20) the mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". **REASON:** To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF;

- (21) any landscaping (other than the planting of trees and shrubs) approved including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously

## **PLANNING COMMITTEE MINUTES (Continued)**

damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. 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;

(22) the building heights shall not exceed those indicated on the indicative plan on page 34 of the Design and Access Statement submitted on 25 June 2013. **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;

(23) visibility splays to be provided at the vehicular accesses to the site shall have an 'x' distance of 2.4 metres and 'y' distances of 43 metres measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

(24) prior to occupation of the development, the applicant is required to carry out the works as shown on drawing FIGURE 6.1RevC contained in the supporting Designer's Response to the safety audit submitted on 19 July 2013. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and

(25) accesses to the site shall be located and laid out in general accordance with drawing FIGURE 3.1 of the Transport Assessment submitted on 24 June 2013. This shall also include footways and crossing points. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **66. W13/0897 – PARMITER HOUSE, ARLINGTON AVENUE, ROYAL LEAMINGTON SPA**

The Committee considered an application from Churchill Retirement Living for the demolition of the existing building and redevelopment to form 51 sheltered apartments for the elderly, including one Lodge Manager's apartment, communal facilities (Category II type accommodation), access, car parking and landscaping.

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

The officer considered the following policies to be relevant:

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

DAP8 - Protection of Conservation Areas (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)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)

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)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

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)

The officer informed the Members that this application was a resubmission of planning application W13/0282, which had been refused and he outlined the differences between that application and the one before the Committee.

It was the officer's opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. The proposal would also have an acceptable impact on the setting of the adjacent Conservation Area. Furthermore, the proposals were considered to be acceptable in terms of

## **PLANNING COMMITTEE MINUTES (Continued)**

car parking, highway safety, impact on trees, ecological impact and affordable housing/Section 106 contributions. Therefore the officer recommended that planning permission was granted, providing that a satisfactory Unilateral Undertaking was received in respect of affordable housing.

Councillor Copping, representing the Town Council, addressed the Committee in opposition to the application and ended by informing the Committee that it was felt that the application was too ambitious and a more modest proposal would be suitable. Mr Litton, a local resident, also addressed the Committee in opposition to the application. Mr Geddes addressed the Committee in support of the application.

A motion to refuse the application due to the cumulative effect of all of the alterations having an adverse effect on the adjacent property was defeated.

A motion was put forward to refuse the application, and this was duly seconded. There were concerns that the amount (£125,000) recommended towards the housing contribution was insufficient.

The officer explained that this amount had been recommended by a surveyor who had undertaken a full viability appraisal to estimate the level of profit that could be expected from the development, and the surveyor had advised that £125,000 was the maximum that could be expected as a contribution. The officer informed Members that it was felt that this was a robust assessment. Discussions centred on the Council's policy in respect of parking provision, open space, primary care provision and affordable housing which some Members felt the proposals did not meet. This was countered with concerns that the viability work already undertaken should be taken seriously.

The motion to refuse permission was withdrawn and a proposal was made to defer the decision to allow time for further clarification and negotiations to settle matters of concern.

**RESOLVED** that W13/0897 be DEFERRED to allow time for further clarification and negotiation to take account of all matters of concern (parking provision, open space provision, primary care provision and affordable housing provision).

### **67. W13/0476 – 33 MURCOTT ROAD EAST, WHITNASH, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr Hayer for the proposed erection of a single storey front, side and rear extension to a house of multiple occupation. Also the proposed demolition of the existing garage and hard surfacing at the front of the dwelling house to accommodate three cars.

The application was presented to the Committee because an objection had been received from Whitnash Town Council and because a number of other objections had been received.

The officer considered the following policies to be relevant:



## **PLANNING COMMITTEE MINUTES (Continued)**

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (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)  
The 45 Degree Guideline (Supplementary Planning Guidance)  
National Planning Policy Framework

It was the officer's opinion that the proposals did not adversely impact on the character and appearance of the area or on the residential amenities of nearby properties. The proposal was therefore considered to comply with the policies listed.

Councillor Mrs Falp addressed the Committee on behalf of the Town Council which objected to the application, followed by Mr S. Dhillon who informed the Committee that he was speaking on behalf of the residents of Murcott Road against the proposals.

The Head of Development Services informed Committee Members that a late objection had been received from two residents of the same address relating to multi-occupancy dwellings and concerns with behaviour and disruption. Members noted that the proposals made clear that no more than a total of six people would live in the dwelling which was not contrary to policy.

Following consideration of the report and presentation, along with the representations made at the meeting, the Committee resolved to grant the application, with a condition that confirmed that the property could not be used as a house in multiple occupation.

**RESOLVED** that W13/0476 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 2231-01F, and specification contained therein, submitted on 11/07/2013. **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;

## **PLANNING COMMITTEE MINUTES (Continued)**

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (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 or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and
- (5) the application property as permitted to be extended by this permission shall not be used other than as i. a single dwelling house, or ii. as a house in multiple occupation to accommodate a maximum of 6 people. **REASON:** To ensure that the property is not occupied in a manner which is prejudicial to the residential amenities of the surrounding area.

### **68. W13/0715 – 31 AUGUSTA PLACE3, ROYAL LEAMINGTON SPA**

The Committee considered a retrospective application from Mr Saidi for the retention of a timber pergola to the front elevation.

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

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)

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

## **PLANNING COMMITTEE MINUTES (Continued)**

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

An addendum circulated at the meeting advised the Committee that the occupants from the dwelling on the opposite side had confirmed that they had no objection to the pergola as it was now, but they felt strongly that painting the structure would be very detrimental and make it more prominent.

It was the officer's opinion that the proposals had an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. It was recommended that planning permission was granted.

Councillor Copping, speaking on behalf of the Town Council addressed the Committee in opposition to the proposals followed by Mr MacKay, representing CAAF, also opposing the proposals.

A motion was made to approve the application but to remove the condition requiring that the structure was painted. It was felt that leaving the wood plain was more fitting.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained in the addendum, the Committee resolved to grant the application, but the condition requiring that the structure was painted either black or magnolia was to be removed.

**RESOLVED** that W13/0715 be GRANTED and the pergola be left plain wood in colour.

### **69. W13/0916 – LAND ADJOINING, GLASSHOUSE LANE, LAPWORTH, SOLIHULL**

The Committee considered an application from Mrs Ellhia for the erection of a replacement stable block.

The application was presented to the Committee because a number of objections had been made by local residents and an objection had been received from Lapworth Parish Council.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District Local Plan 1996 - 2011)  
National Planning Policy Framework

It was the officer's opinion that the development was an appropriate facility for outdoor sport and recreation and did not prejudice the openness and

## **PLANNING COMMITTEE MINUTES (Continued)**

rural character of the green belt area and was considered to comply with the policies listed.

Councillor Corney, Chairman of the Parish Council, addressed the Committee in objection to the application as did Mr Goldsmith, who informed the Committee that he was speaking on behalf of numerous people who also objected to the application.

Following consideration of the report and presentation, along with the representations made at the meeting, the Committee resolved to grant the application and to include a note to the applicant to ensure that the door to stable 1 was wide enough to accommodate a horse.

**RESOLVED** that W13/0916 be GRANTED subject to the following conditions and a note to the applicant to ensure that the door to stable 1 is wide enough to accommodate a horse:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 6985-301 and 6895-200, and specification contained therein, submitted on 2nd July 2013. **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 be carried out in strict accordance with the details of foul water drainage works and future maintenance requirements that have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011; and
- (4) the stables hereby permitted shall only be used for purposes in connection with and incidental to the use of the land for equestrian grazing/leisure and shall not be used for the purposes of a livery or riding school or any other commercial purposes. **REASON:** To protect the rural character of the area, in accordance with Policies RAP10 and RAP13 of the Warwick District Local Plan 1996-2011.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **70. W13/0805 – ALVIS SPORTS GROUND, GREEN LANE, FINHAM, COVENTRY**

The Committee considered an application from Alvis Sports and Social Club for the erection of floodlights adjacent to the football pitch.

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

The officer considered the following policies to be relevant:

RAP13 - Directing New Outdoor Leisure and Recreation Development (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)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

National Planning Policy Framework

It was the officer's opinion that the proposals were considered to comply with NPPF and Local Plan policies relating to the promotion of healthy communities and the provision of leisure and recreational facilities to meet the needs of the local community. They were considered to comprise appropriate development in the Green Belt which did not adversely impact upon the rural character of the area or the amenities of the occupants of nearby residential properties.

The Head of Development Services recommended that an addition should be made to condition 3 so that a register was kept at the Club that could be inspected to check that no more than nine evening events were held annually.

Following consideration of the report and presentation, the Committee resolved to grant the application.

**RESOLVED** that W13/0805 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
  - (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s): flood lighting position plan REV 3, dated 10/05/13, Stainton flood light plans and elevations, CR4339/01, dated
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## **PLANNING COMMITTEE MINUTES (Continued)**

07/04/06 and the 'Deltalux' luminaire BS 2000 INLINE and luminaire data (BS2000B) and the specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DP3 and DAP3. of the Warwick District Local Plan 1996-2011;

- (3) the floodlights hereby approved shall only be used for a maximum of 9 football matches in any single football season and for the avoidance of doubt shall not be used during training sessions. A register of the dates that the floodlights are used shall be kept at the site at all times and shall be available for inspection by the District Council. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DP3 and DAP3. of the Warwick District Local Plan 1996-2011; and
- (4) When in use in accordance with condition 3 imposed upon this permission, the use of the floodlights the subject of this permission shall cease by no later than 22.00 hours. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DP3 and DAP3 of the Warwick District Local Plan 1996-2011.

### **71. W13/0307 – STABLE COTTAGE, SHERBOURNE PARK, CHURCH ROAD, SHERBOURNE, WARWICK**

The Committee considered a retrospective application from Mrs Grundy for the erection of a small stable yard consisting of three timber stables and storage erected on the existing concrete yard within the boundaries of the exiting wall and fencing.

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

The 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)  
RAP13 - Directing New Outdoor Leisure and Recreation Development (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)  
National Planning Policy Framework

## **PLANNING COMMITTEE MINUTES (Continued)**

It was the officer's opinion that the development was an appropriate facility for outdoor sport and recreation and did not prejudice the openness and rural character of this green belt area or harm the character or setting of the conservation area/adjacent listed buildings and was considered to comply with the policies listed.

Following consideration of the report and presentation, the Committee resolved to grant the application, with a condition that the stables should not be used for any commercial livery use.

**RESOLVED** that W13/0307 be GRANTED subject to the stables hereby permitted shall only be used for purposes in connection with and incidental to the use of the land for equestrian grazing/leisure and shall not be used for the purposes of a livery or riding school or any other commercial purposes. **REASON:** To protect the rural character of the area, in accordance with Policies RAP10 and RAP13 of the Warwick District Local Plan 1996-2011.

### **72. W13/0601 – PEAR TREE COTTAGE, 5 VICARAGE ROAD, STONELEIGH, COVENTRY**

The Committee considered an application from Mr Beaumont for proposed extensions to a dwelling forming a larger kitchen, larger office and guest bedroom, bathroom and boot room from the existing utility and relocated downstairs WC at the ground floor. Also a new first floor ensuite and replanned bathroom and new dormer to the bedroom.

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

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)

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (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)

RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

The 45 Degree Guideline (Supplementary Planning Guidance)

Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the officer's opinion that the development was considered to be of an appropriate design and scale for the location that would not impact adversely on the Green Belt; street scene; Listed Building; Conservation

## **PLANNING COMMITTEE MINUTES (Continued)**

Area; or on the living conditions of the neighbouring properties to the extent that would justify a refusal of permission. The scheme was considered to be in accordance with all the relevant Local Plan policies and should therefore be approved.

Following consideration of the report and presentation, the Committee resolved to grant the application.

**RESOLVED** that W13/0601 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 003A, 005A, 006A, 007A, and specification contained therein, submitted on 18/06/2013 and 17/07/2013. **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) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) 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;
- (5) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or



## PLANNING COMMITTEE MINUTES (Continued)

near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (6) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced 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 and which are within the Warwick District Council .... Conservation Area. 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 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 be 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 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;

## **PLANNING COMMITTEE MINUTES (Continued)**

- (7) all window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011 / To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (8) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011; and
- (9) no development shall commence on the site unless and until details of the foundations and other sub-ground level works have been submitted to and approved in writing by the local planning authority and the development shall only be carried out in strict conformity with the details shown on these approved drawings or any subsequent amending documents. **REASON:** To ensure that any important and irreplaceable archaeological remains are not destroyed during the construction process in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011.

### **73. W13/0957 – 61 COMMON LANE, KENILWORTH**

The Committee considered an application from Mr and Mrs Sage for an additional dwelling house within the garden of 61 Common Lane.

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

The 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)

## **PLANNING COMMITTEE MINUTES (Continued)**

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Vehicle Parking Standards (Supplementary Planning Document)  
Open Space (Supplementary Planning Document - June 2009)  
National Planning Policy Framework

It was the officer's opinion that the development was of an acceptable standard of design which would not cause unacceptable harm to the street scene in which the site was located and would not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, the Committee resolved to grant the application.

**RESOLVED** that W13/0957 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1312/P/01; 1312/P/02; 1312/P/03; 1312/P/04; 1312/P/05; 1312/P/06, and specification contained therein, submitted on 10th July 2013. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development shall be carried out only in full accordance with sample details of the external materials which 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

## **PLANNING COMMITTEE MINUTES (Continued)**

visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (4) the development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that have been submitted to and approved in writing by the local planning authority.

**REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

- (5) 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;

- (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

## **PLANNING COMMITTEE MINUTES (Continued)**

dwelling house 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 approved shall not be occupied unless and until a scheme for the provision of a bat boxes to be erected on dwelling house hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of box type, location and timing of works. Thereafter, the bat box shall be installed and maintained in perpetuity.  
**Reason:** In the interests of minimising the impacts on biodiversity and providing net gains in biodiversity in accordance with the National Planning Policy Framework 2012;
- (8) no use of the development hereby permitted shall commence unless and until an access for vehicles has been constructed to the site not less than 3 metres wide or greater than 5 metres wide at any point in accordance with standard specification of the highway authority. The gradient of the access shall not be steeper than 1 in 12 for a distance of 7.5 metres, as measured from the near edge of the of the public highway carriageway.  
**REASON:** To ensure that a pavement and verge crossing is available for use when the development commences thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (9) 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 Classes A, Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority.  
**REASON:** To retain control over future development of the premises in the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (10) the development hereby approved shall not be occupied unless and until the areas indicated on the approved drawings for vehicular manoeuvring space and parking have been completed and made available for use. Thereafter these areas shall at all times be kept free of obstruction and be available for those purposes. **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;
- (11) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the upper floor window to be formed in the side (southwest) facing elevation of the dwelling house 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;
- (12) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows or openings, (apart from any shown on the approved drawings) shall be formed in the side-facing elevations hereby approved without the written approval of the local planning authority and if

## **PLANNING COMMITTEE MINUTES (Continued)**

any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (13) 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; and
- (14) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **74. W13/1040 – LEAMINGTON SPA BOWLING CLUB, ARCHERY ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from Warwick District Council for a replacement irrigation system for the bowling greens to include the replacement of the pipework and sprinklers and installation of a new 2m wide x 3m long and 2m high irrigation storage tank and pump house behind the existing Greenkeeper shed within a fenced compound.

The application was presented to the Committee because Warwick District Council was the applicant.

The officer considered the following policies to be relevant:

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

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

DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

National Planning Policy Framework

It was the officer's opinion that the nature and scale of the development would not cause unacceptable harm to the character or setting of the Conservation Area, the Historic Park and Garden status of Victoria Park or neighbours' amenity. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, the Committee resolved to grant the application.

**RESOLVED** that W13/1040 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) HPS/VPI/03A, HPS/VPI/04A, HPS/VPI/05, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and



**PLANNING COMMITTEE MINUTES (Continued)**

- (3) within one month of the erection of the fence and gates the enclosure shall have been colour coated in accordance with the approved details. Any replacement or modification shall be colour coated to match within one month of being carried out. **REASON:** To ensure that the enclosure hereby approved is appropriately colour coated in the interests of the visual amenities of the locality in accordance with Policies DP1 & DAP8 of the Warwick District Local Plan 1996-2011.

(The meeting ended at 9.30 pm)