

## Planning Committee

Minutes of the meeting held on Tuesday 24 June 2014 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Brookes (Chairman); Councillors Barrott, Mrs Bromley, Mrs Bunker, De-Lara-Bond, Doody, MacKay, Wilkinson and Williams.

Apologies for absence were received from Councillors Rhead and Weber.

### 25. **Substitutes**

Councillor Barrott substituted for Councillor Weber.

### 26. **Declarations of Interest**

Minute Number 29 – W14/0572 – 1 Tulip Tree Avenue, Kenilworth

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

Minute Number 30 – W14/0407 - Land North of Harbury Lane, Heathcote, Warwick

Councillor Mrs Bromley declared an interest because the application site was in her Ward.

Minute Number 31 - W14/0775 – Land to the South of Fieldgate Lane, Whitnash

Councillor MacKay declared an interest because he had received a telephone call from the Leamington & County Golf Club.

Minute Number 33 – W14/0537 - Crackley Hall School, Coventry Road, Kenilworth

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

Minute Number 34 – W14/0589 - 75 Radford Road, Royal Leamington Spa

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

Councillor Wilkinson declared an interest because the application site was located close to where he lived and two of the objectors were known to him.

Minute Number 36 – W14/0648 – 36 Warwick Street, Royal Leamington Spa

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

During the introduction of the report, Councillor Doody declared a pecuniary interest because he was a Member of the Conservative Club and left the room whilst the item was discussed.

Minute Number 38 - W14/0582 – 25 Eliot Close, Woodloes Park, Warwick

Councillor Williams declared an interest because the application site was in his Ward and he would be speaking as Ward Member.

Minute Number 39 – W14/037 - 1 9 Dugard Place, Barford, Warwick

During the course of the item, Councillor Barrott declared an interest because the application site was located close to where he lived.

### **27. Site Visits**

To assist with decision making, Councillors Barrott, Boad, Mrs Bromley, Brookes, De-Lara-Bond, Doody, MacKay, and Wilkinson visited the following application sites on Saturday 21 June 2014:

W14/0537 - Crackley Hall School, Coventry Road, Kenilworth;  
W14/0572 - 1 Tulip Tree Avenue, Kenilworth;  
W14/0469 - Quarry Farm, Old Milverton Lane, Old Milverton;  
W14/0582 - 25 Eliot Close, Warwick; and  
W14/0473 - Montague Road, Warwick.

Councillor Mrs Bunker only visited the last four application sites because she had recently visited Crackley Hall School independently.

Councillor Williams completed his own site visits on Monday evening.

### **28. Minutes**

These were unavailable and would be considered at the next meeting.

### **29. W14/0572 – 1 Tulip Tree Avenue, Kenilworth**

Prior to consideration of the application, the Committee were advised that the item would be deferred due to issues regarding the public speaking procedure.

### **30. W14/0407 – Land North of Harbury Lane, Heathcote, Warwick**

The Committee considered an application from Barratt Homes for the approval of the reserved matters of appearance, landscaping, layout and scale for the development of 220 dwellings. The application also contained details of associated public open space, children's play area, landscaping, materials and boundary treatments.

The outline permission W13/0607 had been granted in 2013.

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

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

The officer considered the following policies to be relevant:

Warwick District Local Plan 2011-2029 Publication Draft - published April 2014. Relevant policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW2, FW3, FW4, HE1, HE6, NE2, NE3, NE4, NE5, W1, DM1.

SSP1 - Employment Allocations (Warwick District Local Plan 1996 - 2011)

SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

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

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

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

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

DP5 - Density (Warwick District Local Plan 1996 - 2011)

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

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

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

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)

UAP1 - Directing New Housing (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)

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

An addendum circulated at the meeting proposed an amended Condition 1 which would incorporate reference to revised plans which addressed the issue of separation distances between the dwellings.

## PLANNING COMMITTEE MINUTES (Continued)

The addendum also advised of a correction to the number of bungalows proposed and outlined the comments from WCC Ecology.

It was the officer's opinion that the proposal provided appropriate levels of affordable housing and a mix of types of market dwellings, to not unacceptably harm the amenity of surrounding neighbours, and to achieve good design and safe layout.

The following people addressed the Committee:

Councillor Mrs Falp, on behalf of Whitnash Town Council, in objection to the application; Mr Galij, on behalf of the applicant, Barratt Homes; and Councillor Mrs Mellor, as Ward Councillor and in objection to the application.

Councillors had concerns about the distance separation between properties, specifically with regard to the affordable homes on the site. It was suggested that the design and layout could be amended to allow the distance separation to be adhered to for affordable homes.

Clarification was sought on the shortest separation distance on the plans because Members were concerned with the phrasing 'buyer beware' in the report.

The Council's solicitor advised the Committee on the distance separation policy, which he explained was a guidance document and should be used as a starting point. In addition, he reminded Members that the principle of the development, including the S106 details with regards to education and health care, had already been decided. This application was purely the reserved matters.

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

**Resolved** that application W14/0407 be **granted** in accordance with the recommendation in the report and the revised condition 1 detailed in the addendum as follows:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (Alston Classic, Colchester Classic, Hexham Classic, Jade Classic- detached, Jade Classic- semi-detached, Madison Classic, Rochester Classic, Type 20 Classic, Type 22 Classic, Type 24 Classic, Type 28 Classic, P341--D5, H316---5, H455---5, H469--X5, H588---5, H597---5, H546---5, H533---5, SH29-Semi detached, SH29-29 Triple Terrace, C135, C136, E51W, G1B, G2AW, G2C, Enclosure Details, Landscape Masterplan GL0217-01, Infrastructure Landscape Proposal GL0217-02 submitted on 18 March 2014. 2010/LIN/C/01submitted on 13  
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## **PLANNING COMMITTEE MINUTES (Continued)**

June 2014. H6735:06 Rev.C, H6735-05 Rev.B, H6735:05-1 Rev.B, H6735:101 Rev.E submitted on 17 June 2014), 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.

### **31. W14/0775 - Land to the South of Fieldgate Lane, Whitnash**

Prior to consideration of the item, the Chairman proposed that the item be deferred to allow the consultation period to fully expire prior to consideration by the Committee. This was duly seconded.

The Head of Development Services advised Members that the site notices had expired and that this was a resubmission of a previous scheme. The scheme had been resubmitted in line with the concerns raised by Members at the previous meeting. In addition, she assured the Committee that when Authorities had been challenged by the Ombudsman in similar circumstances, no case had been found.

Members, however, felt strongly that the period of consultation should be allowed to expire naturally and there were still outstanding issues to be settled. Following consideration of the advice, the Committee

**Resolved** that W14/0775 be **deferred** to allow the consultation period to fully expire.

### **32. W14/0473 – 78 Montague Road, Warwick**

The Committee considered an application from Mr Uppal for the erection of a front porch, two storey side extension, two storey rear extension and single storey rear extension.

The application was presented to the Committee because an objection had been received from Warwick Town Council and a Ward Councillor. In addition, consideration of the application was deferred at the meeting held on 27 May to enable a site visit to be undertaken.

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)  
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
National Planning Policy Framework  
The 45 Degree Guideline (Supplementary Planning Guidance)  
Distance Separation (Supplementary Planning Guidance)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)

## PLANNING COMMITTEE MINUTES (Continued)

The emerging Warwick District Local Plan 2011 – 2029 particularly policies BE1: Layout and Design and BE3: Amenity.

An addendum circulated at the meeting contained a letter from the applicant outlining his reasoning for granting the application.

It was the officer's opinion that it was considered that the proposed two storey side/rear extension and front and rear single storey extensions were acceptable in terms of their character and appearance within the street scene and did not significantly impact on the amenities of surrounding neighbours such as would support a reason for refusal.

The following people addressed the Committee:

Mr Uppal as the applicant and Councillor Williams, who was speaking in objection to the application and in his capacity as Ward Councillor.

The Committee had visited the application site as part of its site visits and Members were concerned with the size of the proposed development. They also had concerns that the dwelling should not be sub-divided in the future and should be maintained as one dwelling house.

Officers advised that sub-dividing the property at any point would need the appropriate permissions but it was feasible to add a condition to restrict any further development by removing the permitted development rights.

Councillors also highlighted that due to its position on a corner plot, they would not be happy to lose any more of the green space to the side of the property. As a result, they requested that a condition be added to avoid any hardstanding being permitted to the side of the dwelling.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed that the item be granted in accordance with the recommendations in the report, with additional conditions to remove future permitted development rights and to prevent any hardstanding along the side of the property.

**Resolved** that W14/0473 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 003K, 004L, and specification contained therein, submitted on 2nd April, 2014. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1
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## **PLANNING COMMITTEE MINUTES (Continued)**

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) 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;
- (5) future permitted development rights will be removed to avoid any further expansion of the site; and
- (6) the installation of hardstanding will not be permitted along the side of the property to avoid further loss of green space.

### **33. W14/0537 – Crackley Hall School, Coventry Road, Kenilworth**

The Committee considered an application from The Princethorpe Foundation for the installation of a new vehicle access and car parking area.

The application was presented to the Committee because of the number of objections received. The application was deferred at the previous meeting to enable a site visit to take place.

The officer considered the following policies to be relevant:

- 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)
- DAP3 - Protecting Nature Conservation and Geology (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).

The emerging Warwick District Local Plan 2011 – 2029 particularly policies TR1: access and choice; TR4: parking and BE3: amenity.

It was the officer's opinion that the proposed new access achieved the Highway Authority's visibility splays, and was considered to be an improvement to the existing situation which would alleviate concerns expressed previously regarding dropping off and picking up times.

Mr Pugh, addressed the Committee on behalf of the applicant. Mr Davison, an objector had also been registered to speak but had left the meeting prior to deliberation of this item.

Members raised concerns about the health and safety aspect of manoeuvring children amongst the cars in the car park, and the potential loss of green space to the school. Officers confirmed that there would be an internal thoroughfare through the school to avoid the pupils having to negotiate the car park.

Some Members felt that the car parks hours of use should be clarified and the school should be encouraged to produce their own green travel plan.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed the recommendations as written.

**Resolved** that W14/0537 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 713D-A3-0501 & 0713D-A1-011 , and specification contained therein, submitted on 14th April 2014, except as required by other conditions below. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall commence on the site unless and until details of the car parking layout have been submitted to and approved in writing by the local planning authority. Reason: In the interests of vehicular and pedestrian safety in accordance with Policy  
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## **PLANNING COMMITTEE MINUTES (Continued)**

DP6 of the Warwick District Local Plan 1996-2011;

- (4) 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. 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; and
- (5) the Playground use for the land contained by the red boundary line on Drawing 0713D-A1-011 (dated 10/04/14) shall be restricted to 09:00 – 18:00, Monday to Friday. For any other school function, the hours of the use for the land shown on drawing 0713D-A1-011 (dated 10/04/14) shall be restricted to 07:30 – 22:30, Monday to Sunday'. Reason: To ensure that the site is not used at times which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

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

### **34. W14/0589 – 75 Radford Road, Royal Leamington Spa**

The Committee considered an application from Mr Sahota for a proposed additional two bedrooms to an existing eight bed HIMO together with a front light well and new access on to Radford Road.

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:

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)

Vehicle Parking Standards (Supplementary Planning Document)

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

The emerging Warwick District Local Plan 2011- -2029 particularly policies

BE1: Layout and Design; BE3: Amenity and HE2: protection of Conservation Areas.

An addendum circulated at the meeting advised that two further letters of objection had been received.

It was the officer's opinion that in the opinion of the Local Planning Authority, the development did not adversely impact on the character and appearance of the area. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Councillor Mrs Morrison, on behalf of Royal Leamington Spa Town Council and Mr Fyfe, a local resident. Both speakers were objecting to the application.

Members raised concerns that this was a 25% increase on the number of bedrooms in the property and did not feel that the level of parking at the property was sufficient for the number of tenants living there.

Members agreed that the HIMO policy had been produced to reflect the concerns of the local area and residents and were frustrated that the parking standards agreed in the policy, could not apply to the existing eight bedrooms.

The Council's solicitor advised the Committee that the Highways Department had raised no objection because the parking spaces being provided were based on the two proposed new bedrooms.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee felt that this item should be refused, contrary to the officer's recommendation. Members felt there was no increase in communal areas despite the additional bedrooms and they had a duty of care to the existing residents and any new tenants.

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

Members also had concerns about potential surface flooding and the lack of parking facilities as per policy DAP8.

**Resolved** that W14/0589 be **refused** because the application was contrary to policy DP2, specifically the impact on the living environment of residents of the HMO & the detrimental affect on the health and wellbeing of existing and potential new residents.

### **35. W14/0469 – Quarry Farm, Old Milverton Lane, Old Milverton**

The Committee considered an application from Messrs Carroll and Long for the erection of a stable block and tack room.

The application was presented to the Committee because an objection had been received from Old Milverton 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)

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

The emerging Warwick District Local Plan 2011- -2029 particularly policies BE1: Layout and Design; BE3: Amenity and TR1: access and choice.

It was the officer's opinion that the proposal was an acceptable form of development in the Green Belt, would not lead to unacceptable harm to highway safety, visual amenity or openness and complied with the policies listed.

The Members had visited the site as part of their site visits and were grateful for the thorough explanations provided to them by the officers.

Following consideration of the report and presentation the Committee agreed the recommendation as written.

**Resolved** that W14/0469 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) (DRWG.No. 01 submitted on 31 March 2014. PJF/kjh/PF9004 submitted

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

on 9 June 2014), and specification contained therein. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) 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) and hedges on the site, or those tree(s) and hedges 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 protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected hedge or 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 hedges and trees which are of significant amenity and ecological value to the area in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011; and
- (4) within three calendar months of the erection of the stables hereby permitted, all other existing buildings, structures and containers on the land contained within the blue lined area on drawing reference PJF/ejf/PF/9004 received on 30 April 2014 shall be removed in their entirety. Reason: Since the uses contained within the proposed building are only considered acceptable in connection with the current use of the land for the grazing of horses, but not in addition to the uses
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## **PLANNING COMMITTEE MINUTES (Continued)**

contained within existing structures on the wider site. The proposed building would also rationalise development on the site to one less visually intrusive area, in the interests of openness and visual amenity of the rural area, and the NPPF.

### **36. W14/0648 – 36 Warwick Street, Royal Leamington Spa**

The Committee considered an application from Yarnold Properties Ltd for the change of use of existing second floor flat to form three residential flats to include internal and external alterations.

The application was presented to the Committee because previous applications for similar development on the site had been determined by Committee.

The officer considered the following policies to be relevant:

Warwick District Local Plan 2011-2029 Publication Draft - published April 2014, in particular relevant policies relating to affordable housing: DS2, HO & H2.

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Affordable Housing (Supplementary Planning Document - January 2008)

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

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

DAP6 - Upper Floors within Listed Buildings and Conservation Areas (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)

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)

DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)

UAP1 - Directing New Housing (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)

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)

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

DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Vehicle Parking Standards (Supplementary Planning Document)

Open Space (Supplementary Planning Document - June 2009)

## PLANNING COMMITTEE MINUTES (Continued)

### National Planning Policy Framework

An addendum circulated at the meeting advised that WCC Highways had no objection subject to a restriction on eligibility for parking permits.

It was the officer's opinion that a conversion to flats would be acceptable in principle in this location. The proposals would preserve the character and appearance of the Listed Building and the Conservation Area and would have an acceptable impact on the living conditions of neighbouring dwellings. Furthermore, the proposals were considered to be acceptable in terms of car parking, highway safety, ecological impact and provision for public open space and it would not be appropriate to require on-site renewable energy production due to the constraints of this site. In addition, the viability appraisal submitted by the applicant demonstrated that the provision of any form of affordable housing contribution would render the scheme unviable. Therefore it was recommended that planning permission be granted, subject to conditions.

Following consideration of the report, presentation and addendum the Committee agreed the recommendation as written.

**Resolved** that W14/0648 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) 821-07 & 821-08, and specification contained therein, submitted on 2 May 2014, except as required by condition 5. 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 occupied unless or until a Traffic Regulation Order has been made by the Highway Authority to remove the application property from the existing Traffic Regulation Order thereby securing the removal of the rights of the applicant or future owners or tenants of the application property to apply for residents parking permits. Reason: To ensure the proposed development does not result in an increase in on-street parking pressure in an area with already high demand to the detriment of highway safety and residential

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

amenity in accordance with Policies DP8, DP2 and the Vehicle Parking Standards SPD of 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) before the development hereby approved commences and notwithstanding the details shown on approved plans, details must be submitted to and approved in writing by the Local Planning Authority showing: (a) 1:10 drawings of all external frames and associated joinery sections for new doors and windows; (b) large scale 1:5 drawings and 1:20 sections for new staircases; (c) 1:10 drawings of all new internal timber mouldings (skirting, handrails, architrave etc.) and ceiling coving; (d) external ironmongery and rainwater goods; (e) decorative finishes and colours to be used externally. Thereafter the development shall be carried out in accordance with the approved details. Reason: To ensure the character and appearance of the building is preserved in accordance with Policies DP1 and DAP4 of the Warwick District Local Plan 1996-2011;

- (6) the development hereby permitted shall not commence unless and until details of a cycle parking scheme within the application site have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the

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

approved cycle parking facilities have been provided and made available for use in accordance with the approved details 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 in accordance with Policies SC4 & DP8 of the Warwick District Local Plan 1996-2011;

- (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 conservation area and to satisfy Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011;
- (8) in relation to blocking existing windows or making good any sections where new apertures are created, no facing materials shall be used other than materials similar in appearance to those used in the construction of the exterior of the existing building. 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 Policies DP1 and DAP4 of the Warwick District Local Plan 1996-2011;
- (9) the development hereby permitted shall not be occupied unless and until the approved bin store facilities have been provided and made available for use in accordance with the details on drawing number(s) 821-05A, as approved under planning permission no. W14/0120 (or in any subsequently approved amendments), and thereafter those facilities shall remain available for use at all times. Reason: To ensure adequate facilities to serve the development in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011; and
- (10) 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 building to be affected. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are

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

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 will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/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 ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan.

(Councillor Doody left the meeting for the duration of this item having declared a pecuniary interest)

### **37. W14/0695 – Units SU9B & SU10 Livery Street, Regents Court, Royal Leamington Spa**

The Committee considered an application from Nandos Chickenland Ltd for the removal of condition 5 and the variation of condition 4 of planning permission number W13/0350.

Removal of condition 5 would allow the use of the external seating area to continue on a permanent basis. The variation of condition 4 was to restrict the hours of use of the external seating area to between 0930 hours and 1930 hours, instead of permitting use until 2230 hours.

The application was presented to the Committee because a request had been received from Members of the Planning Committee that all applications relating to such proposals on this street be decided by Planning Committee.

The officer considered the following policies to be relevant:

Warwick District Local Plan 2011-2029 Publication Draft - published April 2014, in particular policies BE1, BE3 and HE2

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

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

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

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

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

National Planning Policy Framework

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

An addendum circulated at the meeting advised that a letter of support had been received from a local resident on the basis that all of the recommended conditions be imposed.

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 Conservation Area. Therefore it was recommended that planning permission be granted for the removal and variation of these conditions.

Members were informed that acoustic canopies had been included in the application.

Following consideration of the report, presentation and addendum, the Committee agreed the recommendation as written.

**Resolved** that W14/0695 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 2720/25/A, and specification contained therein, submitted on 9 May 2014. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011;
- (2) no customers shall be permitted to use the external seating area hereby permitted before 0930 hours or after 1930 hours on any day. At all times that the external seating area is in use, the canopies to be approved under Condition 3 shall be maintained in the open position between 1700 hours and 1930 hours. No furniture within the external seating area shall be moved before 0930 hours or after 1930 hours on any day. Any part of any furniture that is in contact with the ground shall be fitted with rubber stoppers to minimise noise. Reason: To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;
- (3) within 1 month of the date of this permission, details of an acoustically absorbent canopy, to include enclosed sides, shall have been submitted to the local planning authority for approval. Within 1 month of the approval of these details, the canopy shall be installed in strict accordance with the approved details.

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

The canopy shall be retained and maintained in accordance with the approved details at all times that the external seating area is in use. Reason: To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;

- (4) the external seating area hereby permitted shall be operated in strict accordance with the Operational Management Plan submitted on 12 May 2014 (in relation to planning application nos. W14/0430 and W14/0437). Reason: To protect the living conditions of neighbouring dwellings and to prevent crime and anti-social behaviour, in accordance with Policies DP2, DP9 and DP14 of the Warwick District Local Plan; and
- (5) no more than 20 covers shall be permitted in the external seating area hereby permitted at any one time. Reason: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

### **38. W14/0582 – 25 Eliot Close, Woodloes Park, Warwick**

The Committee considered an application from Mr East-Jones for the erection of a two storey side extension.

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

The officer considered the following policies to be relevant:

Distance Separation (Supplementary Planning Guidance)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
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)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
National Planning Policy Framework  
The 45 Degree Guideline (Supplementary Planning Guidance)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
The emerging Warwick District Local Plan 2011- -2029 particularly policies BE1: Layout and Design and BE3: Amenity.

## PLANNING COMMITTEE MINUTES (Continued)

It was the officer's opinion that the proposed two storey side extension was acceptable in terms of its character and appearance within the street scene and would not significantly impact on the amenities of surrounding neighbours such as would support a reason for refusal.

Following consideration of the report and presentation the Committee agreed the recommendation as written.

**Resolved** that W14/0582 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 amended drawings, and specification contained therein, submitted on 28th May, 2014. 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) 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; and
- (5) prior to the occupation of the development

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

hereby permitted, the first floor window in the west elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. 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 to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

### **39. W14/0371 – 9 Dugard Place, Barford, Warwick**

The Committee considered an application from Mr Pomfret for the proposed erection of a first floor side extension.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

Residential Design Guide (Supplementary Planning Guidance - April 2008)

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)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Vehicle Parking Standards (Supplementary Planning Document)

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

Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance)

The emerging Warwick District Local Plan 2011- -2029 particularly policies BE1: Layout and Design and BE3: Amenity.

An addendum circulated at the meeting contained details of the objection from Barford, Sherbourne & Wasperton Joint Parish Council along with a further objection from a member of the public.

It was the officer's opinion that the proposed first floor single storey side extension was acceptable in terms of its character and appearance within the street scene and did not significantly impact on the amenities of surrounding neighbours such as would support a reason for refusal.

Members queried the objection from the parish council which suggested that the Barford Village Design Statement (BVDS) had not been given

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

sufficient weight by officers. In response, officers advised that weight had been given to the BVDS but it had been concluded that the proposed development would not lead to a terracing affect.

Following consideration of the report, presentation and addendum, the Committee agreed the recommendation as written.

**Resolved** that W14/0371 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 amended drawing 002A, and specification contained therein, submitted on 14th May 2014. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) 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.

### **40. W14/0590 – The Pound House, Lapworth Street, Lapworth**

The Committee considered an application from Mr & Mrs Hogarth for the erection of a single and two storey front / side extension.

The application was presented to the Committee because 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)
- DP13 - Renewable Energy Developments (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)

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

Distance Separation (Supplementary Planning Guidance)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
National Planning Policy Framework  
The emerging Warwick District Local Plan 2011- -2029 particularly policies BE1: Layout and Design; BE3: Amenity; DS19: Green Belt and H14: Extensions to dwellings in the open countryside.

It was the officer's opinion that, whilst the proposals exceeded the 30% guideline for extensions to dwellings within the Green Belt, it was considered that due to the size of the property, in relation to the size of the extensions and the location of the extensions, they would not have a detrimental impact on the openness of the Green Belt and were in accordance with the aforementioned policies.

Following consideration of the report, presentation and addendum, the Committee agreed the recommendation as written.

**Resolved** that W14/0590 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 G100; G101; G102; G103 and G104 and specification contained therein, submitted on 23rd April 2014 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; and
- (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

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

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.

### **41. Appeals Update**

The Committee considered a report from Development Services which updated Members on appeals from January 2014 to the present.

The report included a table of cases with the relevant references, officer's recommendation, final decision and associated comments from the Inspectors, following the decisions.

**Resolved** that the report be noted.

### **42. Enforcement Update**

The Committee considered a report from Development Services which outlined the Enforcement Team's performance since the adoption of the new Enforcement Procedure in December 2013.

The report covered the period from January to April 2014 and included figures to show the number of incoming cases from the past year, the number of notices served and the number of appeals.

Councillor Barrott thanked the officers for their work and for dealing with issues very professionally.

**Resolved** that the report be noted.

(The meeting ended at 9.17 pm)