

# Planning Committee

Minutes of the meeting held on Tuesday 13 September 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, Day, Mrs Falp, Miss Grainger, Mrs Hill, Morris, Naimo and Weed.

**Also Present:** Committee Services Officers – Mrs Dury and Miss Cox; Legal Advisor – Mr Gregory; Head of Development Services – Mrs Darke; Team Leader, Development Control – Mr Sahota; and Trainee Solicitor – Mr Wood.

## 63. **Apologies and Substitutes**

- (a) There were no apologies; and
- (b) Councillor Miss Grainger substituted for Councillor Mrs Stevens and Councillor Mrs Falp substituted for Councillor Heath.

## 64. **Declarations of Interest**

Minute Number 67 – W/16/0801 – Former North Leamington School, Cloister Way, Royal Leamington Spa

Councillor Miss Grainger declared an interest because the application site was in her Ward, and she was a member of Royal Leamington Spa Town Council's Planning Committee, however, she was not present when this item was discussed.

Minute Number 71 – W/16/1429 – 27 Newbold Street, Royal Leamington Spa

Councillor Miss Grainger declared an interest because she was a member of Royal Leamington Spa Town Council's Planning Committee, however, she was not present when this item was discussed.

Minute Number 77 – W/16/1267 – 1 Castle Hill, Kenilworth

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

Minute Number 78 – W/16/1268 LB – 1 Castle Hill, Kenilworth

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

## 65. **Site Visits**

To assist with decision making, Councillors Ashford, Boad, Mrs Bunker, Cooke, Mrs Hill, Morris and Weed visited the following application site on Saturday 10 September 2016:

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

W/16/0801 – Former North Leamington School, Cloister Way, Royal Leamington Spa.

### **66. Minutes**

The minutes of the meeting held on 16 August 2016 were taken as read and signed by the Chairman as a correct record.

### **67. W/16/0801 – Former North Leamington School, Cloister Way, Royal Leamington Spa**

The Committee considered an application from Spitfire Properties LLP for the demolition of existing buildings and the erection of 44 dwellings with associated access, landscaping and infrastructure.

The application was presented to Committee because of the number of objections that had been received, including one from Royal Leamington Spa Town Council.

The officer was of the opinion that a redevelopment of this site for residential purposes would be acceptable in principle and the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. Furthermore, the proposals would provide a satisfactory living environment for future occupants of the proposed dwellings and would have an acceptable impact on the character and appearance of the area. Subject to verification of the viability case by the Council's surveyor, the proposals could also be accepted with no affordable housing or section 106 contributions. Finally, the development had been judged to be acceptable in terms of housing mix, provision of public open space, Green Belt impact, car parking and highway safety, impact on trees and ecological impact. Therefore, it was recommended that planning permission be granted.

An addendum circulated at the meeting advised that:

- following advice received from the Council's independent surveyor, the applicant had amended the scheme to show the provision of three shared ownership flats and two social rented houses;
- Environmental Health had not raised any objection to the scheme subject to conditions on contamination, construction impacts, air quality and noise insulation;
- two further residents had submitted comments in support of the application;
- an additional condition had been added to prohibit occupation of any of the flats before the construction of the bin and cycle stores; and
- some of the "pre-commencement" conditions had been changed to "pre-occupation" conditions.

Councillors Mrs Stevens and Gifford addressed the Committee in support of the application. Councillor Mrs Stevens informed the Committee that whilst the Charity behind the application had been her selected charity when she was Mayor, she had not had any involvement with this application.

Members were disappointed that the proposals could not meet the 40% affordable housing target, but were very aware that the site in its current

## PLANNING COMMITTEE MINUTES (Continued)

state was a safety risk, especially for children who persisted in using the site for play. Members accepted that there was a viability issue and that five units of social housing was now offered as part of the application; and they sought assurance that all efforts would be pursued to ensure these units were delivered. They felt that officers had done an excellent job in negotiating the terms of the application, especially in light of the difficulties presented with the removal of toxic materials such as asbestos.

Following advice received from the Council's Legal Advisor, Members asked that a note to officers be added advising that the Committee had requested that any application for a variation in the affordable housing content be referred back to Planning Committee. Members accepted that this could only be a request, and was not a given.

Members felt that the insistence of slate tiles on the roof was perhaps a little excessive and officers assured them that the overarching condition about approval of materials would ensure that this was reasonably applied.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Miss Grainger and seconded by Councillor Mrs Bunker that the application should be granted.

The Committee therefore

**Resolved** that W/16/0801 be **granted** in accordance with the recommendations in the report, subject to the following conditions and note to officers:

- (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 application form, site location plan and approved drawing(s) 1849-01 P17, 1849-02 P7, 1849-03 P7, 1849-04 P8, 1849-05 P7, 1849-06 P9, 1849-07 P9, 1849-08 P8, 1849-09 P8, 1849-10 P8, 1849-11 P9, 1849-12 P7, 1849-13 P7, 1849-14 P7, 1849-15 P6, 1849-16 P8, 1849-17 P8, 1849-19 P6, 1849-21 P7, 1849-22 P1, 1849-23C, 1849-24C, 1849-30E & 1849-35A, and specification contained therein, submitted on 11 August 2016 and 24 August 2016. **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

## PLANNING COMMITTEE MINUTES (Continued)

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

- (4) no development shall commence until a detailed lighting scheme for the site has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:

- (a) low energy LED lighting should be used in preference to high pressure sodium or mercury lamps;
- (b) the brightness of lights should be as low as legally possible;
- (c) lighting should be timed to provide some dark periods; and
- (d) connections to areas important for foraging should contain unlit stretches.

No lighting shall be installed other than in strict accordance with the scheme approved under this condition. The lighting shall be maintained and operated in strict accordance with the approved scheme at all times thereafter.

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

- (5) no development shall commence until details of the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings

## PLANNING COMMITTEE MINUTES (Continued)

have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

**Reason:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

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

## PLANNING COMMITTEE MINUTES (Continued)

perpetuity.

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

- (8) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (9) prior to the commencement of development a scheme for the offsetting of biodiversity impacts at the site shall be submitted to the Local Planning Authority. The offsetting scheme shall include:
1. The identification of receptor site(s);
  2. Details of the offset requirements of the development in accordance with the recognised offsetting metrics standard;
  3. The provision of contractual terms to secure the delivery of the offsetting measures; and
  4. A management and monitoring plan (to include for the provision and maintenance of such offsetting measures for not less than 30 years from the date of this permission).

The development shall not commence until the Local Planning Authority has approved the scheme in writing. The applicant shall secure and implement such offsetting measures in accordance with the requirements of the approved scheme. **Reason:** To ensure no net

## PLANNING COMMITTEE MINUTES (Continued)

loss of biodiversity in accordance with NPPF paragraph 118, principles and guidance documents;

- (10) no development shall commence until details of surface and foul water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with such approved details. **Reason:** To ensure that adequate drainage facilities are available and to minimise flood risk, in accordance with the National Planning Policy Framework and Policy DP11 of the Warwick District Local Plan 1996-2011;
- (11) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **Reason:** In the interests of fire safety;
- (12) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. 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, woodland creation/enhancement and provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. **Reason:** To ensure adequate compensation for any loss of biodiversity, in accordance with the National Planning Policy Framework;
- (13) the development hereby permitted 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 local planning authority expect to see details concerning pre-commencement

## PLANNING COMMITTEE MINUTES (Continued)

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 Policy DAP3 of the Warwick District Local Plan;

- (14) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) to be retained on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (15) 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



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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;

- (16) notwithstanding the landscaping details submitted with the application, the development hereby permitted shall only be undertaken in strict accordance with revised details of both hard and soft landscaping works which shall have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (17) the development hereby permitted shall not be occupied until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The approved Low Emission Strategy shall be implemented in strict accordance with the approved details and shall remain in force at all times thereafter.

**Reason:** To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

- (18) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **Reason:** To ensure 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;

- (19) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected, constructed or improved or altered within 5 metres of the western / north-western boundary of the site, except as shown on the plans hereby approved. **Reason:** To ensure that a suitable soft edge is provided to the adjacent Green Belt, in accordance with Policy DP3 of the Warwick District Local Plan and the NPPF;

- (20) prior to the occupation of the development hereby permitted, the first floor window in the south-west elevation of plot 1 shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the

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

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 window 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;

- (21) conditions on contamination, construction impacts, air quality and noise insulation; and
- (22) condition to prohibit occupation of any flats before the construction of the bin and cycle stores.

Note to officers:

The Planning Committee has requested that any future application for a variation in the affordable housing content is referred back to Planning Committee.

### **68. W/16/0715 – 32B Kenilworth Road, Royal Leamington Spa**

The Committee considered an application from Mr Dhaliwal for the erection of a two storey side extension and front and rear dormers.

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

The officer was of the opinion that the application was considered to be of acceptable design and would preserve the character of the Conservation Area, neighbouring and applicant amenity and standards of living, with little views from the street scene. It struck a consistent balance between the previous issues raised in refusals and appeals and addressed within subsequent approvals, between the Conservation Area, parking and landscaping, and took account of sustainability and ecology considerations also.

Mrs Reuser addressed the Committee in objection to the application.

A motion to grant the application was defeated.

Following consideration of the report, presentation, and the representation made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Ashford that the application should be refused on the grounds that it was contrary to Policy DAP8, of the Warwick District Local Plan 1996-2011.

The Committee therefore

## PLANNING COMMITTEE MINUTES (Continued)

**Resolved** that W/16/0715 be **refused** contrary to the recommendations in the report because it contravenes Policy DAP8 of the Warwick District Local Plan 1996-2011 in a Conservation Area.

### 69. **W/16/1099 – Land adjacent Fir Tree Cottage, 147 Chesetts Wood Road, Lapworth**

The Committee considered an application from HCD Developments Limited for the erection of two dwellings. This was a resubmission of application reference W/15/1890 – amended house design.

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

The officer was of the opinion that the application was considered to be acceptable and would thereby accord with the requirements set out in the Local Plan Policies stated in the report.

The following people addressed the Committee:

- Mr Clarke and Dr Hamilton, who objected to the application; and
- Mr Tyler, in support of the application.

Members felt that a construction management plan should be a condition if the application was granted to ensure that construction vehicles were not blocking the road, together with conditions 3 and 4 from a previous application on the site.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Boad that the application should be granted.

The Committee therefore

**Resolved** that W/16/1099 be **granted** in accordance with the recommendations in the report, 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 numbers 01(cad9); 02(cad9) and 03(cad9) and specification contained therein, submitted on 16 June 2016  
**Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the

## PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 1996-2011;

- (3) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works showing the location of yard gullies, manholes soakaways, and pipes including shape, material, pipe falls in relation to the proposed building. The plans shall 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;
- (4) no part of the development hereby permitted shall be commenced until a detailed method statement, including timetabled mitigation measures where appropriate, has been carried out by a suitably qualified consultant to cover reptiles, amphibians and hedgehogs has been submitted to and approved in writing to the local planning authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;
- (5) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning

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Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

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

- (7) the existing embankment together with the vegetation growing on the embankment (namely an ancient hazel hedgerow) located on the shared boundary with No.135 Chessetts Wood Road 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 structural 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;
- (8) access for vehicles to the site from the public highway, Chessetts Wood Road shall not be made other than at the position identified on the approved drawing number 17291-01, dated July 2015 at a position whereby the visibility splay requirements stated in condition 11 will be satisfied. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

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- (9) the development shall not be commenced until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 76.0 metres in a north westerly direction and 55.0 m in a south easterly direction 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 0.6 metres 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;

- (10) before the access is first used a turning facility within the site enabling vehicles to enter and leave in a forward gear, shall be provided in accordance with the approved drawings. At all times thereafter the turning facility shall be kept free of obstruction and available for its intended use, and nothing in the visibility splay shall exceed 600mm in height, unless otherwise agreed in writing by the local planning authority. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (11) the gradient of the access for vehicles to the site shall not be steeper than 1 in 15 at any point as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (12) the development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. The Local Planning Authority expects lighting to be restricted on the south west edge of the proposed decking area and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways: low pressure sodium lamps or low-brightness LEDs

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should be used in preference to high pressure sodium or mercury lamps, or high-brightness LEDs; the brightness of lights should be as low as legally possible; lighting in the blue spectrum should be avoided; lighting should be timed to provide some dark periods; connections to areas important for foraging should contain unlit stretches. **Reason:** To ensure that the visual amenities of the open countryside and the wildlife site are preserved in accordance with Policies DP2 & DA3 of the Warwick District Local Plan 1996-2011;

(13) Conditions 3 and 4 from a previous application on the site; and

(14) a standard construction management condition.

### 70. **W/16/1321 – Land adjacent Crossways, Rowington Green, Rowington**

The Committee considered an application from ERC (Solihull) Limited for the proposed erection of two dwellings.

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

The officer was of the opinion that the development was considered to harmonise with the existing street scene, whilst providing an innovative and contemporary design. The proposed development was not considered to cause undue harm to the living conditions of the occupiers of the nearby dwellings and there were no highway safety issues. The proposal was therefore considered to comply with the policies listed in the report.

The following people addressed the Committee:

- Councillor Gaffey, representing Rowington Parish Council in objection to the application; and
- Mr Spicer, in support of the application.

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

The Committee therefore

**Resolved** that W/16/1321 be **granted** in accordance with the recommendations in the report, 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



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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 AR\_321\_001\_C submitted on 24th August 2016 and AR\_321\_002\_D submitted on 31st August 2016, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority.

If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone ( whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve

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carbon savings and to protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP13; DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (4) prior to the first occupation of the dwellings details of bird boxes/artificial nests and bat boxes including their number, location and height from ground shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the first occupation of the dwelling house: **Reason:** To enhance the value of the site for biodiversity in accordance with the aims of the NPPF;
- (5) the development hereby permitted shall not commence until a qualified ecologist has been appointed by the applicant to inspect the habitat suitable for nesting birds, hedgehogs, amphibians & reptiles immediately prior to works. Suitable habitat features, such as compost heaps and log piles, are to be removed carefully by hand. If evidence of these species are found works may not proceed otherwise than in accordance with the advice of the qualified ecologist on the most appropriate approach. The qualified ecologist shall submit a brief report to the local planning authority within one month following completion of the supervised works to summarise the findings. **Reason:** To ensure that protected and notable species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF;
- (6) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (7) 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

## PLANNING COMMITTEE MINUTES (Continued)

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

- (8) the works hereby permitted shall be carried out only in strict accordance with the submitted Arboricultural Report and Tree Survey carried out by Ruskins Group Consultancy T/a RG Consultancy Limited and submitted to the Local Authority on 11th July 2016. **Reason:** To ensure that any works are carried out only in strict accordance with the terms of this permission in the interests of visual amenities of the locality in accordance with Policies DP1 & DP3 of the Warwick District Local Plan 1996-2011;
- (9) the development shall not be commenced until an access for vehicles has been provided to the site not less than 5.0 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway.

## PLANNING COMMITTEE MINUTES (Continued)

**Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (10) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (11) the access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (12) the access to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (13) the development shall not be commenced until a turning area has been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear, and thereafter the turning area shall be retained at all times. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and

- (14) the development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which have been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the

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

approved details unless alternative drainage methods have been approved in writing by the local planning authority. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.

71. **W/16/1429 – 27 Newbold Street, Royal Leamington Spa**

This application was withdrawn at the request of the applicants.

72. **TPO 511 – 7 Chance Fields, Radford Semele**

The Committee considered an application for the confirmation of a provisional Tree Preservation Order (TPO) relating to two Scots Pine trees.

The application was presented to Committee because objections against the TPO being confirmed had been received.

The officer was of the opinion that the issues raised in objection to the TPO were not sufficient to outweigh the significant amenity contribution which the trees made within the surrounding area and it was therefore recommended that the order should be confirmed.

Mrs Darlington addressed the Committee in objection to the proposal.

Members clarified that tree works could be carried out if a TPO was present; some type of works required permission, but others, such as in an urgent situation, did not.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Morris and seconded by Councillor Miss Grainger that TPO 511 should be confirmed.

The Committee therefore

**Resolved** that officers be authorised to confirm TPO 511 without modification.

The meeting was adjourned at 7.55pm for a 15 minute break.

73. **W/16/0837 – Aylesbury Cottage, 156-158 Aylesbury Road, Hockley Heath, Solihull**

The Committee considered an application from Mr Eden for the erection of a detached dwelling.

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

## PLANNING COMMITTEE MINUTES (Continued)

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

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

The Committee therefore

**Resolved** that W/16/0837 be **granted** in accordance with the recommendations in the report, 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) 01, 03 and specification contained therein, submitted on 06/05/16. **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 facing and roofing materials which shall have been submitted to and approved in writing by the local planning authority. **Reason:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) 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 BS5837:2012, Trees in Relation to

## PLANNING COMMITTEE MINUTES (Continued)

design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground 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:** To protect trees and other features during site construction in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall be carried out in strict accordance with details of surface water drainage works that shall have been submitted to and approved in writing by the local planning authority. Details shall include sustainable urban drainage methods to avoid localised flooding from the highway onto the lower application site. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (7) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air

## PLANNING COMMITTEE MINUTES (Continued)

source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (8) the development shall not be occupied unless and until the existing vehicular access to the site has been widened/remodelled so as to provide an access of not less than 3 metres for a minimum distance of 7.5 metres, as measured from the near edge of the public highway carriageway and surfaced with a bound material and visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 120 metres 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 0.6 metres above the level of the public highway carriageway. **Reason:** To ensure that a satisfactory visibility splays in the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (9) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor ensuite window(s) to be formed in the side facing elevation 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-



## PLANNING COMMITTEE MINUTES (Continued)

2011;

- (10) 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; and
- (11) the development hereby permitted shall only be undertaken in strict accordance with an ecological and landscape scheme which has been submitted to and approved in writing by the local planning authority. That scheme shall include full details of all proposed landscaping and associated ecological works including details of any proposed native tree and other planting, installation of bird and bat boxes and/or creation of wild flower areas. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation of the development hereby approved and all other works shall be completed in full accordance with the approved details within three months of the first occupation of that development. Any tree(s) or shrub(s) which within a period of five years from the completion of the development die, are removed or become in the opinion of the local planning authority seriously damaged, defective or diseased, shall be replaced in the next planting season with another similar tree or shrub of similar size and species, unless the

## PLANNING COMMITTEE MINUTES (Continued)

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 that an appropriate level of ecological interest is retained within the site and the satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with the National Planning Policy Framework and Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

### 74. **W/16/0842 – 16 Wasperton, Wasperton**

The Committee considered an application from Mr and Mrs Alford for a proposed two storey rear and side extension.

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

The officer was of the opinion that the proposed development was considered to be acceptable in design terms, did not result in harm to the character of the Conservation Area or impact upon the amenities of adjacent residential properties to a degree sufficient to justify the refusal of planning permission and it was therefore recommended that planning permission should be granted.

An addendum circulated at the meeting outlined comments received from the Conservation Advisory Forum which recommended that the successful extensions on the neighbouring property, with which this building had symmetry, should be copied, albeit at a reduced scale, because it was a narrower plot.

It had been pointed out that the address was 16 Wasperton, not Wasperton Lane as stated on the agenda.

Following consideration of the report, presentation, and information contained in the addendum, it was proposed by Councillor Ashford and seconded by Councillor Morris that the application should be granted.

The Committee therefore

**Resolved** that W/16/0842 be **granted** in accordance with the recommendations in the report, 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

## PLANNING COMMITTEE MINUTES (Continued)

(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 2016-1535-10 submitted on 6th May 2016 and 2016-1535-11A submitted on 25th August 2016, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority.

If an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings and to protect the amenities of

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

the occupiers of nearby properties in the locality in accordance with Policies DP13; DP2 & DP9 of the Warwick District Local Plan 1996-2011;

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

### **75. W/16/1061 – Harvest Barn, Bakers Lane, Knowle**

The Committee considered an application from Mrs Payne for the proposed erection of a single storey rear extension.

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

The officer was of the opinion that the proposed extension was considered to be a modest form of development which would not harm the character and integrity of the barn conversion, for which there was evidence that it had already been significantly reconstructed. The proposed development would be constructed from appropriate materials which respected the application property and there would be no harm to neighbouring residential amenity or the openness of the Green Belt as a result of the

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

proposed development. It was, therefore, recommended that planning permission should be granted.

Following consideration of the report and presentation, it was proposed by Councillor Morris and seconded by Councillor Boad that the application should be granted.

The Committee therefore

**Resolved** that W/16/1061 be **granted** in accordance with the recommendations in the report, 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 160308 / 1D, and specification contained therein, submitted on 4th August 2016. **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) all window and door frames shall be constructed in timber. **Reason:** To ensure a high standard of design and appearance for this barn conversion, and to satisfy Policies DP1 and RAP7 Warwick District Local Plan 1996-2011.

### **76. W/16/1071 – 103 Chassetts Wood Road, Lapworth**

The Committee considered an application from Mr and Mrs Champion for the erection of a single storey rear/side extension. This was a resubmission of application reference W/16/0503.

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

## PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the proposed extension was in accordance with policies, and was therefore in accordance with the NPPF and the Warwick District Local Plan 1996 - 2011 such that it was considered that planning permission should be granted.

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

The Committee therefore

**Resolved** that W/16/1071 be **granted** in accordance with the recommendations in the report, 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) CRS\_PD/01 Rev B, , and specification contained therein, submitted on 10th June 2016. **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 either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO<sup>2</sup> emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and

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

thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

**Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

### **77. W/16/1267 – 1 Castle Hill, Kenilworth**

The Committee considered an application from Turlington (International) Limited for the proposed conversion of the existing dwelling to two, one-bedroom apartments and one, two-bedroomed apartment.

The application was presented to Committee because it was deemed appropriate in view of the level of public interest in the proposal.

The officer was of the opinion that the public benefits created by providing two additional residential units, securing the future of a designated heritage asset and improving the appearance of the Conservation Area would outweigh the harm caused to the integrity of the listed building as a result of the proposed sub-division of the single dwelling house into three apartments. There would be no detrimental impact caused to neighbouring residential amenity or highway safety as a result of the proposed development and, therefore, the development was considered to conform with Local Plan policies and the NPPF.

An addendum circulated at the meeting stated that the implementation of a condition requiring provision of a scheme for renewable or sustainable energy measures was not appropriate on this occasion. As there would be no increase in internal heated floor space as a result of the proposal and there would not be a substantial intensification of the site, it was not considered necessary to impose Condition 3. This was added in error by officers.

Members were concerned that there might be a future application to sub-divide the garden. Currently sub-division of the garden could not happen without planning permission and officers were confident that local residents would report attempts to sub-divide the garden. However, because the garden was listed, Members felt it important that it was maintained in its listed status. They therefore authorised officers to review Condition 5 to see if it could be strengthened to prevent any sub-division of the garden.

Following consideration of the report, presentation, and information contained in the addendum, it was proposed by Councillor Ashford and seconded by Councillor Day that the application should be granted.

The Committee therefore

**Resolved** that W/16/1267 be **granted** in accordance with the recommendations in the report, subject to: addendum to remove Condition 3, and authority

## PLANNING COMMITTEE MINUTES (Continued)

delegated to officers to review the wording of Condition 5 and strengthen it to stop sub-division of the garden, subject to the following conditions:

- (1) The removal of Condition 3 in the report as per the addendum; and
- (2) Authority being delegated to officers to review the wording of condition 5 of the report and strengthen it to stop sub-division of the garden.
- (3) The following conditions:
  - (a) 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);
  - (b) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings 1411-P-04\_A, 1411-P-05\_A and 1411-P-06\_A ,and specification contained therein, submitted on 26th August 2016. **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;
  - (c) no development shall be carried out on the site which is the subject of this permission, until large scale details of the proposed additional internal doors and their openings and additional staircases to the second floor at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.  
**Reason:** 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;
  - (d) authority delegated to officers to review the wording of this condition to see if it can be strengthened:  
there shall be no sub-division of the gardens outlined in red on the updated Location Plan submitted to the Local Authority on 2nd August 2016. **Reason:** To ensure the protection of the



## PLANNING COMMITTEE MINUTES (Continued)

integrity and setting of the Listed Building and for the protection of the garden which is identified on the locally important park and garden list, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011; and

- (e) the development shall not be commenced until a turning area has been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear, and thereafter the turning area shall be retained at all times. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

### 78. **W/16/1268 LB – 1 Castle Hill, Kenilworth**

The Committee considered an application from Turlington (International) Limited for the proposed conversion of the existing dwelling to two, one-bedroom apartments and one, two-bedroomed apartment.

The application was presented to Committee because it was deemed appropriate in view of the level of public interest in the proposal.

The officer was of the opinion that the public benefits created by providing two additional residential units, securing the future of a designated heritage asset and improving the appearance of the Conservation Area would outweigh the harm caused to the integrity of the listed building as a result of the proposed sub-division of the single dwelling house into three apartments. There would be no detrimental impact caused to neighbouring residential amenity or highway safety as a result of the proposed development and therefore, the development was considered to be in conformity Local Plan policies and the NPPF.

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

The Committee therefore

**Resolved** that W/16/1268 LB be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the works hereby permitted shall begin not later than three years from the date of this consent. **Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

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

approved amended drawings 1411-P-04\_A, 1411-P-05\_A and 1411-P-06\_A ,and specification contained therein, submitted on 26th August 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of the proposed additional internal doors and their openings and additional staircases to the second floor at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

**Reason:** 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

- (4) there shall be no sub-division of the gardens outlined in red on the updated Location Plan submitted to the Local Authority on 2nd August 2016. **Reason:** To ensure the protection of the integrity and setting of the Listed Building and for the protection of the garden which is identified on the locally important park and garden list, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

### **79. Planning Appeals Report**

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

**Resolved** that the report be noted.

(The meeting ended at 8.48pm)