

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 9 December 2009 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor MacKay (Chairman): Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dean, Illingworth, Kinson, Mobbs and Rhead.

Councillor Mobbs substituted for Councillor Mrs Higgins.

232. **DECLARATIONS OF INTEREST**

Minute Number 234 – W09/1205 – 42 Arthur Street, Kenilworth

Councillor Mobbs declared a prejudicial interest as he was a Kenilworth Town Councillor and they had objected to the application. Councillor Mobbs left the room whilst the item was discussed.

Minute Number 235 – W09/0634 –9 and 11 St Marks Road, Royal Leamington Spa, CV32 6DL

Councillor Copping declared a personal and prejudicial interest because the applicant was a neighbour and family friend.

233. **MINUTES**

The minutes of the meeting held on 18 November were to be agreed at a later date.

234. **W09/1205 – 42 ARTHUR STREET, KENILWORTH**

The Committee considered an application from Mr Farralley for the erection of side and rear extension (part two storey, part single storey) to form larger kitchen area, dining room and work room on the ground floor and new bedroom with en-suite facilities on the first floor.

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

The case officer considered the following policies to be relevant to the application:

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

Councillor Mrs Cain	Town Councillor (objecting)
Mr T Dingley	Objector
Mr Jim Farrelly	Supporter

Following consideration of the officer's report and presentation and the representations made it was proposed and duly seconded that the application be granted in accordance with the officer's recommendation, this was lost three votes to five with one abstention. It was then proposed and seconded that the application be refused contrary to the officers recommendations, which was carried five votes to three with one abstention, therefore the application was refused.

RESOLVED that application W09/1205 be REFUSED for the following reason

Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development. The Planning Authority have also adopted a Residential Design Guide as a Supplementary Planning Document in April 2008 which provided further detailed guidance on extensions to residential properties.

The application site comprises an end of terrace property which is situated within an established residential area where the spaces between the dwellings are an important characteristic of the street scene. In the opinion of the District Planning Authority, the proposed two storey extension does not have a sufficient one metre distance from the common boundary at first floor and would erode the space between the existing properties, thus creating an unneighbourly form of overdevelopment, especially as the extension protrudes to the rear. Furthermore, the proposed two storey extension would cause loss of light to the kitchen of number 40 Arthur Street due to the close proximity of the first floor to the boundary. The two storey extension would also have an unneighbourly impact on the amenities of 40 Arthur Street by reason of its height, proximity and overbearing impact and failure to respect this adjoining property. The development is thereby considered to be contrary to the aforementioned policies.

PLANNING COMMITTEE MINUTES (Continued)

235. W09/0634 – 9 AND 11 ST MARKS ROAD, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr Dhesi for the erection of two coach houses in the rear gardens.

The application was presented to the Committee following a request from Councillor Gifford and because of the number of objections which were received.

The case officer considered the following policies to be relevant to the application:

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

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

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

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

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

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

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

Vehicle Parking Standards, SPD, November 2007

The case officer was of the opinion that subject to appropriate conditions, this would be an acceptable development. Particularly having regard to previous permissions for the erections of 2 dwellings on the site. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Mr Stephen Owen	Objector
Mrs Dhesi	Supporter
Councillor Bill Gifford	Ward Councillor (objecting)

Following consideration of the officer's report and presentation, the information provided within the addendum and the representations made it was proposed and duly seconded that the application be granted with amendments, this was lost four votes to five with one abstention. It was then proposed and seconded that the application be refused contrary to the officer's recommendations, which was carried five votes to four with one abstention, therefore the application was refused.

RESOLVED that application W09/0634 be REFUSED

- (1) policy DAP8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic character of the District's Conservation Areas. The explanation to this Policy states explicitly that 'Gardens and open spaces that add to the historic appearance and interest of Conservation

PLANNING COMMITTEE MINUTES (Continued)

Areas should be protected from development'. In the opinion of the District Planning Authority this proposal would result in the unacceptable loss of existing open areas which make a significant contribution to the character and appearance of this part of the Conservation Area and the setting of properties fronting St. Marks Road. The proposal would therefore conflict with the provisions of the aforementioned policy; and

- (2) policy DAP8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic character of the District's Conservation Areas. Policy DP1 requires development to positively contribute to the character and quality of its environment through good layout and design whilst Policy DP2 states development will not be permitted, which has an unacceptable adverse impact on the amenity of nearby residents.

In the opinion of the District Planning Authority, the character of this part of the Conservation Area is one of open established gardens set behind a boundary detail onto Cliffe Road.

It is considered that the proposed development, which incorporates no setback from Cliffe Road, would create a solid street frontage which on this narrow street would be detrimental to the character and appearance of the Conservation Area and the amenity of neighbours. The proposed design and siting of this proposed development would therefore conflict with the provisions of the aforementioned policies.

236. W09/0464 – LAND ADJ TO IBM, HAYWOOD ROAD, WARWICK

The Committee considered an application from Whitbread Group PLC and Opus 40 Land for the erection of 5 storey hotel comprising 122 bedrooms, restaurant and associated facilities, formation car parking area, landscaping and associated works including erection of a bridge and substation.

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

The case officer considered the following policies to be relevant to the application:

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

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

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

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DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (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)
RAP16 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)
UAP8 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
PPS6 - Town Centres

The case officer was of the opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects which would have justified a refusal of permission. Furthermore, the applicants had demonstrated that there were no sequentially preferable sites which were available. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation and information contained within the addendum, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation.

RESOLVED that, following the signing of a legal agreement to secure a Green Travel Plan and provision of transport to local stations, application W09/0464 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings:
AV01 - Rev Y – Block Plan of Site
AV02- Rev P – Proposed Elevations
AL02 – Rev J – Floor Plans
AL03 – Rev C –Roof Plans
AX01 –Rev A – Proposed Sections
AX02 – Proposed Site Layout Plan and Longitudinal Section
10461:SK1 Rev C – Proposed Levels
10461:SK5 – Drainage Schematic

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10461: SK8 – Surface Water Outfall Details
PL01A – Grd fl
PL02A –Upper fl
PL03A – Roof
PL04A – Elev A
PL05A – Elev B
PL06A – Elev C,D
L1078/08 -04O – Landscape Masterplan
L1078/08 05 – Tree Retention, protection and removal
06 Rev B – Landscape Sections
EL01 – Rev C – Car Park and Lighting
PL 258 AD01 Rev O – Substation details
STND – 001- 037

and specification contained therein, submitted on 17 June 2009, unless first agreed otherwise in writing by the District Planning Authority.

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 must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (4) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings:
AV01 - Rev Y – Block Plan of Site
AV02- Rev P – Proposed Elevations
AL02 – Rev J – Floor Plans
AL03 – Rev C –Roof Plans
AX01 –Rev A – Proposed Sections
AX02 – Proposed Site Layout Plan and Longitudinal Section
10461:SK1 Rev C – Proposed Levels
10461:SK5 – Drainage Schematic
10461: SK8 – Surface Water Outfall Details
PL01A – Grd fl
PL02A –Upper fl
PL03A – Roof
PL04A – Elev A
PL05A – Elev B
PL06A – Elev C,D
L1078/08 -04O – Landscape Masterplan
L1078/08 05 – Tree Retention, protection and removal

PLANNING COMMITTEE MINUTES (Continued)

06 Rev B – Landscape Sections
EL01 – Rev C – Car Park and Lighting
PL 258 AD01 Rev O – Substation details
STND – 001- 037

and specification contained therein, submitted on 17 June 2009, unless first agreed otherwise in writing by the District Planning Authority.

REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the 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;
- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (7) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (8) no work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (9) no development shall be carried out on the site which is the subject of this permission, until details of the lighting columns and fittings 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** :In the interests of the amenities of the area, in accordance with policy DP2 of the Warwick District Local Plan 1996-2011;
- (10) details of the means of disposal of storm water and foul sewage from the development , including provision for sustainable drainage systems for surface water, shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011;
- (11) no development shall be carried out on the site which is the subject of this permission, until details of the design of tree pits for new planting and their interaction with any surrounding hard surfaces has 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 protect and enhance the amenities

PLANNING COMMITTEE MINUTES (Continued)

of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

- (12) the development hereby permitted (including tree felling) shall not commence until at least one further nocturnal bat survey of the site at the appropriate time of year (preferably during May to August), has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority if bats are found to be roosting within the site. Such approved mitigation plan shall thereafter be implemented in full. **REASON** : To ensure that protected species are not harmed by the development, in accordance with policy DP3 of the Warwick District Local Plan 1996-2011 and because the surveys conducted before the application was submitted were carried out at a sub-optimal time of year;
- (13) notwithstanding the landscaping details submitted with the application, no works shall commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted to and approved by the local planning authority (in consultation with Warwickshire Museum Ecology Unit). The scheme shall include all aspects of landscaping including details of new tree/shrub/hedgerow/scrub/woodland edge planting, creation of wildflower-rich swards and enhancement of existing stream as well as management of the whole site for wildlife through maximising opportunities for biodiversity enhancement. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, to protect its ecology and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (14) it should be ensured that there is no contamination of the watercourse either during or

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after development. No work shall commence until measures have been put in place to ensure that the pollution prevention guidelines produced by the Environment Agency regarding prevention of pollution during working and operation are adhered to. The Environment Agency can provide further details if required. There should be a buffer zone of at least 8 metres between the edge of the watercourse, (i.e. the top of the bank), and the development. **REASON:** To ensure protection of the watercourse, in accordance with policy DP3 of the Warwick District Local Plan 1996-2011; and

- (15) the existing trees and shrubs shall be retained in accordance with BS 5837:2005 and shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged or becoming seriously diseased within five years of planting, shall be replaced with trees of such size and species as may be agreed with the District Planning Authority. Before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

237. W09/1015 – THE OLD SCHOOL HALL, CHURCH HILL, BISHOPS TACHBROOK

The Committee considered an application from Mr and Mrs Lewin for the erection of a new build garage.

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

The case officer considered the following policies to be relevant to the application:

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

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

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

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

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

The case officer was of the opinion that the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. Furthermore, the proposal would not have adversely affected the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation and information contained within the addendum, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation.

In addition the Committee requested that the applicant be advised that while they had approved the scheme in accordance with the floor level details as shown on the approved section plan, they would welcome a further reduction in ground levels as notated on that plan.

RESOLVED that application W09/1015 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos. 1069-400C, 401B and 403C, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (4) all door and window frames shall be constructed in timber and shall be painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (5) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (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** : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (6) a landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-

PLANNING COMMITTEE MINUTES (Continued)

2011;

- (7) the permission hereby granted shall permit only the felling of the trees identified as T2 to T5 inclusive, as identified in the schedule attached to the tree survey submitted by Heartwood Tree Surgeons Ltd in support of the application, to enable this development to be undertaken.

REASON : To protect the character and appearance of the Conservation Area in accordance with Policy DAP8 in the Warwick District Local Plan 1996-2011; and

- (8) before the development hereby permitted is first commenced details of the construction of the driveway, including detailed cross sections, present and finished levels, and details to demonstrate that either the drive is given a non-porous surface or it would drain to a permeable or porous surface within the curtilage of the property. The development shall be constructed strictly as so approved. **REASON** : To protect adjacent trees and to reduce surface water run off in accordance with the requirements of Policies DP3 and DP11 in the Warwick District Local Plan 1996-2011).

238. W09/1068 – LAND REAR OF 96 CUBBINGTON ROAD, LILLINGTON, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr P Akhter for the erection of two detached dwellings.

The application was presented to the Committee by Councillor Boad and due to the number of objections received.

The case officer considered the following policies to be relevant to the application:

The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
Vehicle Parking Standards (Supplementary Planning Document)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP5 - Density (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

PLANNING COMMITTEE MINUTES (Continued)

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

The case officer was in the opinion that the development respected surrounding buildings in terms of scale, height, form and massing and would not adversely affect the amenity of nearby residents. Furthermore, the proposals would not be detrimental to highway safety. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation and information contained within the addendum, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation

RESOLVED that application W09/1068 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 1239/11D, 1239/12, 1239/14A, 1239/15, 1239/16 & 1239/100L and specification contained therein, submitted on 27 August 2009, 13 November 2009, 1 December 2009 & 7 December 2009, unless first agreed otherwise in writing by the District Planning Authority. **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 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of

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Policy DP13 in the Warwick District Local Plan 1996-2011;

- (4) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (5) no development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011;
- (6) no development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (7) detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy DP1 of the Warwick District Local Plan 1996-

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2011;

- (8) a landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (9) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011;
- (10) no development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (11) the development hereby permitted to be carried out shall not be commenced until the school drive from Cubbington Road has been widened in accordance with a scheme approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

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- (12) the development hereby permitted shall not be commenced until a turning area has been provided within the site to enable the largest vehicle that is anticipated on site to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (13) during the academic year for Lillington Primary School there shall be no construction deliveries and no movement of construction plant and equipment to or from the application site between the following times: 0815 to 0900 hours, 1200 to 1300 hours & 1500 to 1615 hours. A delivery schedule for materials and plant shall be produced to ensure that there will not be any conflict between construction traffic and vehicles and pedestrians accessing Lillington Primary School. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (14) the car parking areas shown on the approved plans shall be constructed prior to occupation of the development and thereafter be permanently retained for parking purposes for the development hereby permitted. **REASON** : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (15) prior to the occupation of the development hereby permitted, the bottom half of the first floor windows in the front elevation of the dwellings shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON** : To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (16) all hard surfaces hereby approved shall be made of porous materials. **REASON** : To reduce

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surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan; and

PLANNING COMMITTEE MINUTES (Continued)

- (17) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Part 1, Classes A, B & E of Schedule 2 of this Order, without the prior permission of the District Planning Authority.
REASON : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

239. **W09/1116 – 25 HORSEPOOL HOLLOW, WHITNASH**

This item was withdrawn from the meeting by the case officer to enable further consideration before the application was considered by the Committee.

240. **W09/1148 – 1 ARUNDEL CLOSE, WARWICK**

The Committee considered an application from Mr Richard Cooke for the erection of a two side storey extension (with bedroom in roof space) including granny annex below.

The application was presented to the Committee due to an objection from the Town Council.

The case officer considered the following policies to be relevant to the application:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

Following consideration of the officer's report and presentation and information contained within the addendum, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation

RESOLVED that application W09/1148 be GRANTED in accordance to the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos. RC.2009-06a, -5a, and -4a, and specification contained therein, received on 23/11/09 unless first agreed otherwise in writing by the District Planning Authority. **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 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) this permission authorises the erection of an extension to the existing dwelling and shall not be construed as permitting the erection of a separate dwelling unit. **REASON** : Since there is insufficient parking and amenity space for a separate dwelling and to satisfy Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (5) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission, shall be

PLANNING COMMITTEE MINUTES (Continued)

placed at any time in the west (rear) elevation of the extension. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

241. W09/1188 - LAND REAR OF 207 RUGBY ROAD, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr & Mrs Hyde & Medwell for the erection of a bungalow with access to Conway Road.

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

The case officer considered the following policies to be relevant to the application:

Distance Separation (Supplementary Planning Guidance)
Vehicle Parking Standards (Supplementary Planning Document)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

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

RESOLVED that application W09/1188 be GRANTED subject to the following conditions:

- (1) this permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, on an outline application and the further approval

PLANNING COMMITTEE MINUTES (Continued)

of the District Planning Authority shall be required to the under mentioned matters hereby reserved before any development is commenced:-

- (a) the layout, scale and appearance of the proposed bungalow,
- (b) details of the access arrangements,
- (c) details of landscaping.

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

- (2) in the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990;
- (3) the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON :** To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (5) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development

PLANNING COMMITTEE MINUTES (Continued)

hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details.

REASON : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011;

- (6) the off street car parking area to serve the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 and the Vehicle Parking Standards SPD of the Warwick District Local Plan 1996-2011;
- (7) prior to commencement of the development hereby approved, details of a porous surface treatment for the drive or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, shall have been submitted to and approved by the District Planning Authority. The drive shall be constructed and surfaced, in full accordance with the approved details. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan;
- (8) the vehicular access to the site shall not be less than 5 metres wide for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (9) in the case of the reserved matters specified in relation to the layout, scale and appearance of the proposed bungalow, there shall be no windows or accommodation above ground floor level **REASON:** To protect the living conditions of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and

PLANNING COMMITTEE MINUTES (Continued)

- (10) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority.
REASON: This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

242. W09/1232 – LAND BETWEEN 6 WHITNASH ROAD AND 1 GOLF LANE, WHITNASH

The Committee considered an application from Mr McCormick for a new dwelling house.

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

The case officer considered the following policies to be relevant to the application:

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

The case officer was in the opinion that the development did not adversely impact on the character or appearance of the area or the amenity of neighbours. Furthermore, it was considered it would not result in highway danger. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that application W09/1232 be GRANTED subject to the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos. 2077/01, 02, 03 and 04, and specification contained therein, deposited on 7th October 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) a landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of

PLANNING COMMITTEE MINUTES (Continued)

each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

- (5) prior to commencement of the development hereby approved, details of a porous surface treatment for the drive or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, shall have been submitted to and approved by the District Planning Authority. The drive shall be constructed and surfaced, in full accordance with the approved details. **REASON :** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan;
- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (7) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

REASON : Given the proximity of this dwelling to neighbouring properties, it is considered that any future development should be strictly controlled to protect the amenity of the occupiers of these properties to accord with the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (8) no development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011; and
- (9) no development shall be carried out on the site which is the subject of this permission, until details of existing and proposed ground levels of the development, including the finished floor levels of the dwelling and sections through the site 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 protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

(The meeting ended at 9.35 pm)