

# PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 5 September 2012 in the Town Hall, Royal Leamington Spa at 6.00pm.

**PRESENT:** Councillor Illingworth (Chairman); Councillors Mrs Blacklock, Mrs Bromley, Brookes, Ms De-Lara-Bond, MacKay, Mobbs, Weed, Wilkinson and Williams.

Councillor Mrs Bromley substituted for Councillor Rhead, Councillor Mobbs substituted for Councillor Mrs Bunker, and Councillor Williams substituted for Councillor Cross.

## 82. **DECLARATIONS OF INTEREST**

### Minute Number 85 – W12/0766 – Stoneleigh Park, Stoneleigh, Kenilworth

Councillor Illingworth declared a personal interest because he knew the area well.

Councillor Mackay declared he was pre-determined because he had registered to speak in support of the application. As Ward Councillor, he had spoken to people on both sides; he had met with the applicant. He had also spent time with people who objected to the application. After he had spoken, he left the room whilst this item was discussed.

### Minute Number 86 – W12/0028 – Abbey Fields, Bridge Street, Kenilworth

All members of the Committee declared a personal interest because the application had been submitted by the District Council.

Councillor Mrs Blacklock declared a personal and pecuniary interest because she had registered to speak in opposition as a Ward Councillor. After she had spoken, she left the room whilst this item was discussed.

Councillor Illingworth declared a personal interest as Ward Councillor. He had spoken to people about the application but had not formed a view and wanted to hear the views of others before determining the application, therefore he had not pre-determined the application.

Councillor Mobbs declared a personal and pecuniary interest because he had been part of the Council's Executive that took the decision to renovate the car park back in October. He left the room whilst this item was discussed.

### Minute Number 88 – W12/0759 – Amara, 7 Court Street, Royal Leamington Spa

Councillor Wilkinson declared a pre-disposition because he was strongly opposed to sex establishment venues (SEVs) in Royal Leamington Spa. He also stated that the venue was in his Ward. He left the room whilst this item was discussed.

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

Minute Number 89 – W12/0831 – Land adjacent Woodloes Tavern,  
Woodloes Avenue South, Woodloes Park, Warwick

Councillor Williams declared he was pre-determined because as Ward Councillor, he had registered to speak in opposition to the application. After he had spoken, he left the room whilst this item was discussed.

### **83. SITE VISITS**

To assist with decision making, Councillors Mrs Blacklock, Mrs Bromley, Brookes, Illingworth, MacKay, Wilkinson and Williams visited the following application sites on Saturday 1 September 2012:

W12/0659 – 1 Grange House, 64 Clarendon Avenue, Royal Leamington Spa  
W12/0766 – Stoneleigh Park, Stoneleigh Road, Kenilworth

Councillor Weed only attended the site visit to Grange House.

### **84. MINUTES**

The minutes of the meeting held on 14 August 2012 were approved and signed by the Chairman as a correct record.

### **85. W12/0766 – STONELEIGH PARK, STONELEIGH ROAD, STONELEIGH, KENILWORTH**

The Committee considered an application from LaSalle Investment Management for the development/redevelopment and use of buildings at Stoneleigh Park. This would provide a science, business, technology and innovation park (Use Class B1a and B1b) equine facilities, livestock and agricultural facilities, education and learning (Use Class D1), research (use Class B1b), sustainability and energy, exhibitions, show grounds, hotel and conference facilities (Use Class C1/D1), animal husbandry and animal hospital, visitors centre, camping facilities, together with other ancillary uses and activities including retail, leisure and catering, and associated roads, footpaths, cycle routes, junctions improvements, parking, servicing and landscaping (including off site highways infrastructure) which supported the functioning of the Park and demolition of some buildings and infrastructure.

This application was presented to the Committee because a number of objections to the application had been received including one from Stoneleigh and Ashow Joint Parish Council.

The case officer considered the following policies to be relevant:

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)

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

Sustainable Buildings (Supplementary Planning Document - December 2008)  
Vehicle Parking Standards (Supplementary Planning Document)  
SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)  
RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)  
RAP10 - Safeguarding Rural Roads (Warwick District Local Plan 1996 - 2011)  
SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)  
SSP3 - Stoneleigh Park (Warwick District Local Plan 1996 - 2011)  
National Planning Policy Framework  
RAP15 - Camping and Caravanning Sites (Warwick District Local Plan 1996 - 2011)  
Policy RR1 Rural Renaissance - West Midlands Regional Spatial Strategy  
Policy PA3 High-Technology Corridors - West Midlands Regional Spatial Strategy  
Policy PA4 Development related to Higher/Further Education and Research Establishments and incubator units - West Midlands Regional Spatial Strategy  
Policy PA14 Economic Development and the Rural Economy - West Midlands Regional Spatial Strategy  
Policy PA15 Agriculture and Farm Diversification - West Midlands Regional Spatial Strategy  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)  
DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)  
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development prejudiced the openness of the Green Belt and was considered inappropriate development. However, this was outweighed by the very special circumstances put forward in relation to the economic, environmental and infrastructure benefits of the scheme, which officers felt did not cause unacceptable harm to the Registered Park and Garden or setting of Listed Buildings, would not cause harm to highway safety (subject to the withdrawal of the Highways Agency holding objection and receipt of comments from the Highways Authority).

An addendum was circulated at the meeting which informed the Committee that the freeholders of Stoneleigh Abbey had no objections in principle to the application but had concerns over increased traffic into the Abbey from the B4115. Warwickshire Gardens Trust had objected as it was concerned that the historic landscape would be harmed. Environmental Health recommended conditions requiring land contamination mitigation, air quality mitigation, construction impact mitigation, noise and vibration assessments. A variation was recommended to conditions 5, 7, 10 and 12

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

to allow for the development to progress in line with the phasing of development. The case officer reported that the objection made by the Highways Authority was not insurmountable and could be subject to a condition to remedy it.

Councillor Jane Mackenzie from Stoneleigh & Ashow Joint Parish Council addressed the Committee in opposition to the application. She was concerned that the application had been rushed through, that Green Belt policy guidelines had not been met to justify the development in the Green Belt and that none of the evidence had been provided in the report. She was concerned that the proposals would increase traffic volumes and current events held at Stoneleigh Park already caused noise and nuisance. She stated that light pollution would become an issue but she accepted that the Park needed regeneration, stressing that it should be agricultural and rural.

Ms Christine Hodgetts, addressed the Committee on behalf of Warwick District Conservation Area Forum (CAF) which was opposed to the application. CAF was concerned that the application would have a detrimental effect on the heritage aspects of the Park because the site was of national importance and Stoneleigh Abbey was a Grade I listed building. CAF felt the site should be subject to heritage testing. CAF was concerned that the application proposed permanent buildings, and that together with the parking proposals would perpetuate "ugliness". There was also concern that only the buildings had been addressed in the application, and no regard had been paid to landscaping and planting.

Mr Andrew Bull addressed the Committee in support of the application. He explained that his firm had become involved with the application two years previously and had consulted with local people and a main theme that had become clear from these consultations was the neglect and decline at the Park. His firm had also consulted extensively with Planning Officers. Some of the planning applications that had already been implemented had been designed to address this neglect and decline. He highlighted the shift in employment types in recent years and that this was an opportunity to consolidate with research and development in the Agriculture Sector. He stated that occupiers in knowledge based industries would cluster together and the intention was to increase this at Stoneleigh Park. Already some firms within this sector were occupying units at Stoneleigh Park and other firms were actively being encouraged to come to the Park.

Councillor MacKay addressed the Committee as Ward Councillor in support of the application. He informed the Committee that the community had been consulted over a period of 15 years on the master plan for the Park. The applicant had voluntarily exceeded the requirements on consultation and in the last year had explained the core of the proposals to the local community. A consultation exercise during the previous May and June had allowed people to answer questionnaires, the results of which revealed a high level of support. Councillor MacKay stated that LaSalle Investment had a proven track record and contended that workers would not need to leave the Park during lunchtimes due to the facilities on offer. In respect of the parking facilities, he highlighted that the parking was a two-storey building meant that there was less land uptake and LaSalle had commissioned an architect to focus on design. Councillor MacKay finished by stating that the current application was a chance to take a holistic

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

approach to the site rather than piecemeal. Buildings would improve; poor design would be replaced with better design and it was a chance to rescue the Park from slow deterioration. Having previously declared a personal and prejudicial interest, Councillor MacKay then left the room whilst the remainder of discussions on this application continued.

Some members of the Committee had concerns about the grid layout of the plans and were informed that English Heritage would be consulted to achieve a better layout for the final plan. It was accepted that the Park had been in decline and that the need to improve the area was important and that this outweighed some of the objectors' concerns. It was also recognised that the plans only increased the amount of built-on land by two hectares in a 90 hectare site.

The Chairman asked Members to ignore a letter that had been received after the deadline had passed for submitting correspondence on planning applications under discussion.

In view of the fact that the Highways Agency and Highways Authority had not yet submitted their comments, the Head of Development Services asked Members that if they were minded to grant the application, they considered giving planning officers delegated authority to set conditions on the application once the comments from the Highways Authority and Highways Agency were known. This could be referred to the National Casework Unit

The Head of Development Services assured Members that concerns over three-storey buildings would be sorted before the final plans were agreed. At this stage, the discussions centred on an outline planning application.

In order to keep the tree planting and road layout as close to a Park as possible, it was also agreed that Condition 10 should be amended and the Chairman suggested the following wording:

"Notwithstanding the indicative layout and planting in the application, a landscaping plan is to be agreed..... reflecting the historic nature of the park."

The Council's Solicitor, Peter Oliver, clarified that the report referred to the completion of a legal agreement in the recommendation. This was no longer necessary and the matters would be dealt with by conditions. This would mean additional conditions as well as the highway conditions.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee was of the opinion that delegated authority should be given to officers to issue planning permission.

**RESOLVED** that in respect of item W12/0766, delegated authority was granted to the Head of Development Services to issue planning permission subject to outstanding highway matters being resolved and referral to the National Planning Casework Unit due to the scale of the development in the Green Belt and any subsequent planning

## PLANNING COMMITTEE MINUTES (Continued)

conditions as a result of the Highway responses, in addition to further conditions in the addendum as recommended by Environmental Health, requiring land contamination mitigation, air quality mitigation, construction impact mitigation, noise and vibration assessments and variations to conditions 5, 7, and 12 to allow development to progress in line with the phasing of development and an alteration to condition 10.

Conditions:

- (1) details of the appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 as amended;
- (2) application for approval of the reserved matters, accompanied by all detailed drawings and particulars, must be made to the local planning authority not later than the expiration of eight 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 shall begin within ten years of the date of permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 as amended 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 drawing "Proposed Building Height Zones" contained on page 41 of the Design and Access Statement submitted on 25 June 2012, as amended by any reserved matters approval, and there shall be no development within the areas of the site not coloured on this drawing. **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 individual developments hereby permitted shall not be commenced until a scheme for the

## PLANNING COMMITTEE MINUTES (Continued)

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 be carried out in strict accordance with the details of surface and foul water drainage works that have been submitted to and approved in writing by the local planning authority. These details should include:
1. A demonstration that the proposed site does not increase surface water run from the site and increase flood risk elsewhere in the catchment for both surface water and foul water mechanisms. A betterment in surface water discharge should be provided.
  2. Calculations/models of water discharge from the site to demonstrate that flood storage volumes to attenuate surface water runoff for a 1 in 100 year +30% storm event on the site have been considered.
  3. Plans defining the areas of impermeable and permeable surfaces of the existing and proposed site including calculations of these areas in a clear plan.
  4. Plans showing the existing and proposed drainage systems including levels, sizes, material and construction details in comparison to finished floor and ground levels along with Manhole schedules, cross and long sections of the site.
  5. Plans defining the water catchment areas for the site including off site catchment areas including area and time of concentration.
  6. Plans showing the proposed construction phase of site and how they will be delivered.
  7. Calculations and percolation test results carried out on the site for the infiltration of water (if used).
  8. Plans showing overland water flow paths with arrows.
  9. Proposals of proposed Sustainable Urban Drainage systems (SUD's).
  10. A report detailing the proposed maintenance of surface water systems for the site into the future.

**REASON:** To ensure satisfactory provision is made for the disposal of storm water and foul

## PLANNING COMMITTEE MINUTES (Continued)

- sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;
- (7) the individual developments hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (8) before any development commences on site the following shall be submitted to and approved in writing by the local planning authority and any approved mitigation or protection measures shall be put into place prior to and remain in place during any construction work:
- a] a detailed scaled plan (to a scale and level of accuracy appropriate to the proposal) showing the position of every tree on the site, and every tree on land adjacent to the site (including street trees) that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area etc) with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres.
  - b] a schedule of the trees surveyed as specified in paragraph 4.2.6 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction - Recommendations;
  - c] an arboricultural impact assessment, arboricultural method statement and tree protection plan (to include protection measures during and after construction and any construction exclusion zones) (in accordance with Clause 7 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction) which shall also include any proposal for pruning or other preventative



## PLANNING COMMITTEE MINUTES (Continued)

works.

**REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (9) any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects within the first planting season following the first use of any buildings hereby permitted and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (10) Notwithstanding the indicative tree planting shown in the application, reflecting the historical references of the Park a landscape and ecological management plan, including long term design objectives, long term management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority before the first occupation of the development hereby permitted. The plan should include details of habitat creation measures including creation and management of bat roosting opportunities (e.g. setting up bat boxes), nesting bird opportunities (e.g. setting up bird boxes), the creation of grassland habitat, native tree and shrub planting, creation/enhancement of waterbodies and associated aquatic and marginal vegetation as well as details of on-going management of the whole site for wildlife. Details of species proposed and sourcing of plants should be included as should locations of bird/bat boxes. The plan should also include details of long-term monitoring of the site, including further species-specific monitoring surveys such as additional bat and

## PLANNING COMMITTEE MINUTES (Continued)

amphibian surveys 1 year after completion of works. Such approved measures shall thereafter be implemented in full and the landscape management plan shall be implemented as soon as the approved landscaping is carried out and shall not be withdrawn or altered in any way without the prior written approval of the local planning authority. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (11) the development hereby permitted shall not commence until adequate measures have been taken to protect the retained habitats present within the application site, the Stoneleigh Park pLWS/Ecosite 06/37 and all other adjacent designations during development. A barrier, such as a wire fence, must be erected before works start. This fenced area must include a buffer zone of at least 2-3 metres between the development and the boundary of these designations. Access, or storage of materials will not be permitted within the buffer zone. In order to safeguard retained trees and hedgerows appropriate working practices for trees in relation to construction (BS5837) must be adopted. All watercourses/waterbodies must be protected from potential pollution as a result of construction and during the operational stage of any approved development. Protective measures are to be taken and should be in line with recommendations from the Environment Agency. **REASON:** To conserve and enhance biodiversity and comply with Policies DP3 and DAP3 of the Warwick District Local Plan 1996-2011 and the NPPF;

- (12) the individual developments shall not commence until a detailed schedule of Great Crested Newt mitigation measures (to include timing of works, replacement habitat details, appropriate protection and enhancement of habitat within the applicants' ownership, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation measures shall thereafter be implemented in full according to the terms of any protected species licence granted in respect of Great Crested Newts. **REASON:** To ensure the protection of newts and compliance with Policies DP3 and DAP3 of the Warwick District Local Plan 1996-2011 and the NPPF;

## PLANNING COMMITTEE MINUTES (Continued)

- (13) the development shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, appropriate protection and enhancement of bat habitat within the applicants ownership, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the local planning authority. Such approved mitigation measures shall thereafter be implemented in full according to the terms of any protected species licence granted in respect of bats. If any tree removal work is to be carried out on trees with the potential to support roosting bats further/updated surveys must be carried out in accordance with best practice guidelines, by a suitably qualified ecologist to confirm absence of bats prior to tree removal. The development hereby permitted shall not commence until a detailed Lighting Scheme has been submitted to and approved in writing by the District Planning Authority. **REASON:** To ensure the protection of bats and compliance with Policies DP3 and DAP3 of the Warwick District Local Plan 1996-2011 and the NPPF;
- (14) the development shall be carried out only in full accordance with sample details of the external facing materials for all buildings which have been submitted to and approved in writing by the local planning authority. **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;
- (15) the retail/wholesale/cafe floorspace in use within the application site will be restricted to 4,667 sq.m. at any one time. The applicant will maintain a schedule of occupiers to ensure that this condition is complied with which will be available for inspection by the local planning authority given one months notice of a request to review the schedule. **REASON:** To retain control over the retail use of the site in accordance with the National Planning Policy Framework and Policy SSP3 of the Local Plan;
- (16) the development hereby permitted shall not commence until a detailed Lighting Scheme has been submitted to and approved in writing by the District Planning Authority. Any lighting scheme employed should be sensitively designed across the site, maintaining lux levels at the legal minimum. Lighting should be avoided in the vicinity of existing and newly

## PLANNING COMMITTEE MINUTES (Continued)

planted hedgerows, trees (particularly those with potential for bat roosts) and any bat boxes that are installed. Where lighting is necessary in these areas the height of the lighting column should be restricted to reduce light spill onto habitats of value. Any external lighting should employ low pressure sodium lamps with a full cut-off lantern and/or timers. It will be necessary to allow dark periods during the night and maintain links with offsite foraging features by maintaining unlit areas. Reason: To protect European Protected Species and enhance opportunities for biodiversity at the site in accordance with LPA Policies, NPPF and the Habitats Directive (2010). **REASON:** To ensure the protection of bats and compliance with Policies DP3 and DAP3 of the Warwick District Local Plan 1996-2011 and the NPPF;

- (17) no individual retail unit within any of the retail buildings hereby approved shall exceed 1,000 square metres unless otherwise agreed in writing by the local planning authority.

**REASON:** To retain control over the scale of the retail use of the site in accordance with the National Planning Policy Framework and Policy SSP3 of the Local Plan; and

- (18) the Class B1(a) – Office, and B1(b) – Research and Development floor space in use within the application site will be restricted to 38,786 sq. m. at any one time. The applicant will maintain a schedule of occupiers to ensure that this condition is complied with which will be available for inspection by the local planning authority giving one months notice of a request to review the schedule. **REASON:** To retain control over the quantum of B1 uses on the site in accordance with the requirements of the National Planning Policy Framework and Policy SSP3 of the Local Plan.

### 86. **W12/0028 – ABBEY FIELDS, BRIDGE STREET, KENILWORTH**

The Committee considered an application from Warwick District Council for the re-surfacing of the existing car park and the provision of pay and display parking charges machines.

The application was presented to the Committee because a number of objections had been made about the application and because the application had been submitted by Warwick District Council.

The case officer considered the following policies to be relevant:

National Planning Policy Framework  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

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

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

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

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

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

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

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

DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)

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

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

It was the case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the adjacent listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area, locally registered park or Scheduled Ancient Monument within which the property was situated.

An addendum was circulated at the meeting which informed the Committee that Kenilworth Town Council raised no objection to the amended application, subject to all engineering conditions being met, including the provision of an appropriate interceptor to ensure proper drainage to obviate the risk of contamination. The Town Council also requested a condition be added to ensure that tree replacements be indigenous species.

The addendum also informed Members that Community Protection (Flood Risk) raised no objection subject to plans showing existing/proposed drainage systems, plan defining off-site water catchment areas, full construction, design and maintenance details of the proposed swale drainage system, and ground investigation results to prove viability of water infiltration into swale. Community Protection recommended that such details were covered by an additional condition.

Two further objections had also been received from local residents, raising similar concerns as other objectors.

Mr Hobbins addressed the Committee in objection to the application. His main concerns centred on flooding risk. He stated that the proposals would worsen flooding on the field and that better pipe work was required.

Mr Rogers addressed the Committee in objection to the application. He was concerned that the costs of the project were too high and not good value for money. He felt that if the area was better maintained it would last several more years as it was. He asserted that the proposed surfacing for the car park was not in keeping with the area and he was not persuaded that people would not park at Abbey Fields all day if parking charges were imposed. He stated that people would have to park somewhere, and there was limited parking available on the roads.

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

Councillor Mrs Blacklock addressed the Committee as Ward Councillor in opposition to the application and she disagreed with the assertion that a lot of people left their cars at the car park all day. She agreed that the car park was busy, but this was with visitors to Abbey Fields, and because there were people who parked there to go to the theatre, attend local events, use the swimming pool and some parked there to use the shops. She pointed out that there were several local pubs and restaurants that only had limited car parking available, and that parking was also an issue for local residents who might have an on-street parking permit, but having the permit did not guarantee a parking spot. Councillor Mrs Blacklock went into considerable detail to explain why the parking provided at Abbey Fields was very necessary to the area, its residents, businesses and visitors. For this reason, she was concerned that the application proposals would mean a loss of 20 parking places, although she felt it would be closer to a 25% loss of parking. Councillor Mrs Blacklock was sad that the lime trees were not going to be preserved, although she admitted that they were not good specimens and it was possibly too late to save them. As regards the car park's current rough surface, she was of the opinion that this had been eroded over time by poor drainage; she therefore suggested that if a fit for purpose drainage scheme was installed, then the surfacing could remain in its current form. She felt that the proposals would increase flooding. She felt that the residents were not objecting to paying to park, but they were concerned about the loss of parking places as this would lead directly to more on-street parking where there were no restrictions. She finished by saying that the Council was attempting to solve a problem by causing a worse problem. Having previously declared a personal and prejudicial interest, Councillor Blacklock then left the room whilst the remainder of discussions on this application continued.

Members discussed the issue of flooding. It was agreed that the surface of the car park needed improvement, but suitable drainage was a key issue to prevent flooding. Members had concerns that the proposals did not properly address the drainage issue, especially in light of the views received from Community Protection and the fact that the application details did not fully spell out what was going to be done in respect of drainage. The Head of Development Services, informed Members that further work was required on the drainage, but as the Council had been informed by the drainage team that there was a solution to the problem, the recommendation should be to approve the application subject to conditions. If the conditions could not be resolved, then the scheme could not be implemented.

Some Members were concerned about the loss of car parking spaces and felt that the proposals were not sensitive to the area, the issue of the number of ticket meters was cited as being "over the top". It was recognised that currently the car park was informal, with a rough surface and no parking spaces marked out. The fact that car parking spaces were not marked out meant that there was not a known number of car spaces always available. The number available was determined by how proficiently users parked, indeed the lack of marked spaces did, on occasion, lead to "triple" parking at times of heavy use, which meant some cars were effectively blocked in. It was also recognised that by formalising the parking arrangements, some protection would be given to preserve the trees. Members still had some concerns about the flooding arrangements.

## PLANNING COMMITTEE MINUTES (Continued)

The Head of Development Services explained that in respect of the trees, the new surfacing would take the car park away from the trees which would alleviate the problem of compacting the soil near to the tree roots. In respect of the loss of car parking spaces, the Head of Development Services said that as the parking was currently random, it was hard to be accurate on what the loss of spaces might be. Parking meters were not that high and for a car park the size of Abbey Fields, there would be a requirement of at least three meters. The Head of Development Services explained that in planning terms, it was not easy to say that the meters were unacceptable. In respect of drainage, the Council had received a positive recommendation that the difficulties could be overcome, so any uncertainties could be dealt with via setting appropriate conditions. She advised Members that if the scheme could be drained in some way to deal with the flooding, then the applications should be approved. As the landowner, the responsibility was to pay due regard to alleviating the flooding issue and protecting the trees. Solutions to these issues were in place.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendations with an additional condition as indicated in the addendum requiring the situation on flooding to be resolved.

**RESOLVED** that item W12/0028 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 application form, site location plan and approved drawing(s) (002 and 003 submitted on 13 July 2012, and 005 submitted on 17 August 2012), and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DAP8 of the Warwick District Local Plan 1996-2011;
- (3) 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,

## PLANNING COMMITTEE MINUTES (Continued)

- protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not commence until a further bat survey of the trees, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, 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. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (5) before any development commences on site the following shall be submitted to and approved in writing by the local planning authority and any approved mitigation or protection measures shall be put into place prior to and remain in place during any construction work:
- a) an arboricultural method statement to identify non mechanical methodology in exchanging hard surfacing with associated hardcore under existing Lime trees with soft surfacing, and a tree protection plan (to include annotation identifying distance from trunk centres to the protective barrier) (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) which shall also include any proposal for pruning or other preventative works. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (6) within six months of the implementation of the works hereby approved replacement planting shall be undertaken as follows:
- a] a tree(s) of a size and species to be agreed in writing by the local planning authority shall be planted in location(s) to be indicated on a plan to be submitted for approval and shall be maintained in strict accordance with a schedule of maintenance for the tree(s) until successfully established, such schedule of maintenance to be agreed in writing by the local planning authority ; or
- b] in accordance with an alternative scheme to be submitted to and approved in writing by the local planning authority.
- All trees shall be planted in accordance with



## PLANNING COMMITTEE MINUTES (Continued)

British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). If within a period of five years from the date of planting the tree(s) (or any other tree(s) planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree(s) of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree(s), or in accordance with any variation for which the local planning authority give their written consent. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (7) samples of the surface dressing to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any construction works are commenced. Development shall be carried out in accordance with the 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;
- (8) the external colour of the lamp column, ticket machines and feeder pillar hereby approved shall be painted black. **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; and
- (9) before any development commences on the site, the following shall be submitted to and approved in writing by the local planning authority and any approved drainage measures shall be put into place prior to and remain in place after construction work to ensure the site drains in a satisfactory manner:
1. A plan showing the existing and proposed drainage systems including levels, sizes, material and construction details in comparison to ground levels along with a Manhole schedule, and defining the water catchment areas for the site including off site catchment

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

areas.

2. details of the proposed swale drainage systems along with construction and planting details, cross and long sections and details of how the area is to be maintained into the future.

3. ground investigation results, calculations and percolation tests results carried out on the site to prove the viability of infiltration of water in the swale. **REASON:** To reduce the risk of flooding elsewhere in the catchment area in accordance with the National Planning Policy Framework.

### **87. W12/0659 – 1 GRANGE HOUSE, 64 CLARENDON AVENUE, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr Holmes for the erection of a rear extension to enclose the existing courtyard.

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

The case officer considered the following policies to be relevant:

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

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

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Sustainable Buildings (Supplementary Planning Document - December 2008)

The 45 Degree Guideline (Supplementary Planning Guidance)

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

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

It was the case officer's 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 adversely affect the amenity of nearby residents.

An addendum was circulated at the meeting which informed the Committee that the drawings submitted only showed one half of the pair of houses. In addition, other objections had been received regarding the proposed extension not being in compliance with policies DP1, DP2, or DAP8 of the Warwick District Local Plan as layout and design of the proposed extension did not respect surrounding buildings, did not provide adequate amenity for future occupiers of the application property, had an overbearing and oppressive impact and restricted the light and outlook from the neighbouring property. It was felt that the proposals also destroyed the symmetry of the existing building to the detriment of the Conservation Area.

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

Mrs Holt, who objected to the application, addressed the Committee. She was concerned that the symmetry of the building would be ruined and she felt that the addition of a room at the front of the property was oppressive and not in keeping with DP2. She informed the Committee that the application would affect everyone in the building and no one had posted any support for the application.

Mr Guest also objected to the application. He addressed the Committee and reiterated the previous speaker's concerns about symmetry and contravening policies. He was concerned that by closing the courtyard, the outlook and aspect for the residents would be destroyed.

Mr Holmes, the applicant, addressed the Committee. He pointed out that five of the objections had been from residents in the flat that did not overlook the courtyard. He maintained that there would be no loss of amenity as the proposals would still leave more space available than was currently available in other areas. The scale of the change was small and it only changed views of the car park and from the car park. The work would be done sympathetically, matching recent extensions and using matching materials, and plants and other shielding materials would be used. He pointed out that the proposals would not interfere with the line of the street and neighbouring properties were varied and did not all look the same.

Councillor Dean spoke as Ward Councillor in opposition to the application. She was concerned that the application was unsuitable in a Conservation Area and unneighbourly. She explained to the Committee how the application would affect the residents and detract from the reasons why they moved into the property in the first place. She was concerned that the plans only showed part of the story and explained that Grange House had been built to match another property in the road. The proposals would block views and would block routes to the parking area. Councillor Dean informed the Committee that the application did not meet the standards required and quoted DAP9, anything that detracts in a Conservation Area ought not to be permitted.

A motion to grant the application was defeated. Members were concerned that the application made the building look out of balance, and effectively there would be a loss of symmetry. The effect of the extension would also lead to a loss of space and amenity affecting other residents and this would have a detrimental effect in a conservation area.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee was of the opinion that the application should be refused contrary to the officer's recommendations.

**RESOLVED** that item W12/0659 be REFUSED for the following reasons:

- (1) Policies DP1 and DAP8 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 is required to

## PLANNING COMMITTEE MINUTES (Continued)

preserve or enhance the special architectural and historic interest of the District's Conservation Areas.

- The proposed development represents an incongruous and unbalanced extension to the building which does not positively contribute to the design of the building or to the special qualities of this part of the Conservation Area. The development is thereby considered to be contrary to the aforementioned policies; and
- (2) Policy DP2 of the Warwick District Local Plan 1996-2011 states that 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 proposed extension does not respect the design of the building and will have an unacceptable adverse impact on the amenity of neighbouring residents through loss of outlook.

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

### **88. W12/0759 – AMARA, 7 COURT STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application from Miss Beejadhur for a change in use from drinking establishment (use Class A4) to nightclub. This was a revised application following the withdrawal of application number W12/0380 for revised opening hours.

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council along with a number of other objections.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)  
TCP7 - Opportunity Sites in Old Town, Leamington Spa (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)  
National Planning Policy Framework

It was the case officer's opinion that the development did not adversely impact on the character and appearance of the area.

An addendum was circulated at the meeting which informed the Committee that the Police Crime Prevention Officer had sent an objection to the

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

application on the grounds of crime and disorder because there would be no policing available between the hours of 4am and 6am to oversee those exiting the premises. The Police asked for the timings to remain as they were.

Councillor Wilkinson left the room having declared a personal and prejudicial interest.

The Committee were informed that the Police had been asked for further evidence in respect of the lack of policing in certain hours, but none had been forthcoming so far.

Councillor Dulay from Royal Leamington Spa Town Council addressed the Committee in opposition to the application. There was concern about crime levels because there would be a reduction of police officers in the area, and a corresponding rise in crime levels due to the increased opening hours. Councillor Dulay argued that the CCTV cameras would not prevent or solve any crime and Councillor Dulay did not agree with the views of the Community Safety Officer. He felt that the street lighting was not sufficient as there would be people walking home at 5am and 6am. In summation, Councillor Dulay stated that the additional hours would do significant harm to the character of the area because clubs attract trouble.

Councillor Mrs Knight, in her capacity as Ward Councillor, spoke in opposition to the application. She asked Members to look at the whole area and the main aspiration to raise standards and regenerate the area. She stated that there was a perception that the groundswell of opinion was opposed to this type of establishment.

The Chairman, Councillor Illingworth, clarified that the opening hours were a condition, and the actual change of use was the planning application. The Committee could set the opening hours as a condition.

Members asked for the definition of a nightclub and were informed by the Council's solicitor, Peter Oliver, that there was no definition of a nightclub in planning law. A nightclub had more activities than a pub or bar, but it was not clear how much more advantage could be gained from becoming a nightclub as the establishment in question already held an entertainment licence.

Members were mindful that a nightclub could attract a different type of clientele to a pub or bar, and Amara held a Sex Establishment Licence. They questioned whether this was the type of business that might hinder regeneration of an area or if such establishments could deter developers coming to the area. Particular attention was paid to the Police comments about crime prevention. Although Environmental Health had stated that noise inside Amara was not an issue, the noise spilling onto the streets when people left the premises could be an issue. The area was not primarily residential, but there were residential properties around and the noise would cause disturbance and would impact the living conditions of those residents living in the area.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within

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

the addendum, the Committee was of the opinion that the application should be refused contrary to the officer's recommendations.

**RESOLVED** that item W12/0759 be REFUSED for the following reasons:

- (1) Policy TCP7 of the Warwick District Local Plan 1996-2011 supports specific uses as part of regeneration proposals within the Opportunity Sites within the Old Town of Leamington Spa.

The proposed use of this building is not a use listed within Policy TCP7 and it is considered would hinder the regeneration of the area.

- (2) The development is thereby considered to be contrary to the aforementioned policy; and paragraphs 58 and 69 of the National Planning Policy Framework require new development to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

The proposed use has the potential to contribute to crime and disorder due to the nature of the use, its location and the hours of operation.

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

Councillor Brookes left the meeting for the remainder of all discussions.

### 89. **W12/0831 – LAND ADJACENT WOODLOES TAVERN, WOODLOES AVENUE SOUTH, WOODLOES PARK, WARWICK**

The Committee considered an application from Punch Partnerships (PLT) Limited & Midland Assured Limited for the variation of Condition 17 of planning permission W11/1468 to change opening hours to 7.00am to 10.00pm Monday to Saturday and 8.00am to 10.00pm on Sundays.

Councillor Glenn Williams requested that this application should be presented to the Committee.

The case officer considered the following policies to be relevant:

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development did not give rise to any harmful effects in terms of the impact on the living conditions of nearby dwellings which would justify a refusal of permission.

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

Mr Dunnett, speaking on behalf of the applicant, addressed the Committee. He stated that a convenience store in the middle of a housing estate was very sustainable and that the trend was moving towards longer opening hours. He made reference to condition 22 stated in the case officer's report which advised that on Sundays the store would have no lighting for the first 30 minutes of opening. He asked the Committee to amend the condition.

Councillor Williams, in his capacity as Ward Councillor, addressed the Committee in opposition to the application. He said he was speaking on behalf of residents and local shop keepers. He pointed Committee members to the comments from Environmental Health which stated that there would be an incremental loss of amenity for local residents. He recognised that if staff at the store lived on the estate, they might walk to work, but if they worked late, then they might possibly use their cars. The exit to the car park was opposite the houses in Dean Street and that was the main reason why there were objections from those residents. Also, if the shop was allowed to open later, people would be able to buy cheaper alcohol there to take home and then this could lead to a loss of business at the local pub. Councillor Williams then left the room until all debate on this application had finished as he had declared a personal and prejudicial interest.

Members were mindful that commercial competition was not a planning reason for refusal and the application would also provide jobs. In respect of the change in hours, it was felt that there was not a big difference and the Co-op was a socially responsible organisation. Members considered whether, had the original application requested the additional hours, permission would have been granted.

The Head of Development Services confirmed that the hours of opening on the original application had been controversial and discussions had taken place for more acceptable hours. However, across the country, supermarkets were open for longer hours and this was also in stores in residential areas. It would be very difficult to defend a refusal if the matter went to Appeal.

Following consideration of the report and presentation, along with the representations made at the meeting, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendations but with an amendment to condition 22 so that the store would not have to operate in darkness.

**RESOLVED** that item W12/0831 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 application form, site

## PLANNING COMMITTEE MINUTES (Continued)

- location plan and approved drawing(s) (2690-104E and 2690-105A submitted on 16 December 2011. 2690-102G and 2690-103G submitted on 18 April 2012), 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) 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 construction 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) prior to any work commencing on site, full details of measures to be taken to protect retained trees on site during development must be submitted to and approved in writing by the District Planning Authority. All development shall be in accordance with these approved details. The details must include, but not be limited to, the type and position of fencing, timing of operations including erection and removal of fencing, location of site compounds, access routes for construction traffic, arrangements for briefing contractors on tree protection, location of all underground service runs, details of arboricultural supervision during development, details of the design and method of construction of all hard surfaces within the identified root protection areas of retained trees and details of the means of construction of the cut into the bank and how excavation or levels changes within the root protection area of retained trees will be avoided. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (5) 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



## PLANNING COMMITTEE MINUTES (Continued)

- 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 Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (6) details of the means of disposal of storm water 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 to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;
- (7) the development shall not be commenced until space has been provided within the site for the parking/ loading/unloading of vehicles in accordance with details to be approved in writing by the Local 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;
- (8) the Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (9) no part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nest boxes for house sparrow and starling, to be erected on trees/buildings within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type and location. Thereafter, the nest boxes shall be installed and maintained in perpetuity. **REASON:** To ensure the protection of birds and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (10) the development hereby permitted shall not be occupied unless and until a scheme detailing the preferred traffic movements of goods vehicles delivering to the site have been submitted and approved by the District Planning Authority, which shall include the display and distribution of an advisory route map, and signage at the site exit directing delivery vehicles to turn right the development shall not be occupied other than in strict accordance with the approved scheme.

**REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan;

- (11) the development hereby permitted shall not be occupied unless and until a scheme for securing a local employment and training strategy for the operation of the foodstore has been submitted to the District Planning Authority and agreed in writing. The approved local employment and training strategy shall be implemented and maintained in accordance with the approval unless agreed otherwise in writing by the District Planning Authority.

**REASON:** To secure options for local employment by reducing the need for private vehicle use and to accord with Policy DP7 of the Warwick District Local Plan 1996 - 2011 and the NPPF;

- (12) the development shall not be commenced until the existing vehicular access to the site has been widened so as to provide an access of not less than 5 metres in width for a distance of 10 metres, 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;

- (13) the gradient of the access for vehicles to the site shall not be steeper than 1 in 12 for a distance of at least 10 metres, 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;

- (14) the development shall not be commenced until visibility splays have been provided to the access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 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

## PLANNING COMMITTEE MINUTES (Continued)

- 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;
- (15) no lighting shall be fixed to the external walls or roof(s) of the building(s) hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority. **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;
- (16) noise arising from any plant or equipment at these premises), when measured one metre from the façade 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 surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;
- (17) store opening hours shall be limited to 7am to 10pm Monday to Saturday and 8am to 10pm on Sunday. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (18) no deliveries or noisy external activities likely to cause nuisance to nearby residences, shall occur between 6pm and 7.00am Monday to Saturday, before 9am on Sunday or after 6pm on Sunday. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (19) notwithstanding the details included in the application or on the plans hereby approved no security shutters or grilles of any kind shall be installed on the building without the prior permission of the District Planning Authority. **REASON:** To protect the amenity of the surrounding area, in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (20) the foodstore hereby permitted shall be used as a foodstore and for no other purpose including any other purpose in Class A1 of the

## PLANNING COMMITTEE MINUTES (Continued)

Schedule to the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The net retail sales area of the foodstore shall not exceed 280 sq.m. No more than 250 sq.m of this net retail sales area shall be used for the display and sale of food and convenience goods. **REASON:** To satisfy the requirements of Policy UAP3 in the Warwick District Local Plan 1996-2011;

- (21) notwithstanding the provisions of the Town and Country Planning General Permitted Development) Order 1995 (or any order revoking and re-enacting the order with or without modification) no internal alterations shall be carried out which would result in a) an increase in the total gross floorspace of the development; or b) the subdivision of the units. **REASON:** To satisfy the requirements of Policy UAP3 in the Warwick District Local Plan 1996-2011;
- (22) Hours of illumination inside the store will be limited to 06.30am to 10.30pm Monday to Saturday and 07.30am to 10.30pm on Sunday. **REASON:** To prevent light pollution, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.
- (23) the development shall not be commenced until a turning area has been provided within the site so as to enable the largest vehicle anticipated on site to leave and re enter the public highway in a forward gear with a parking management plan maintained on occupation to ensure turning area is available for delivery vehicles on site when necessary. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

### 90. **W12/0901 – SANDALL HOUSE FARM, NARROW LANE, LOWSONFORD, SOLIHULL**

The Committee considered an application from Ms Saber for a variation of condition 2 imposed on planning permission W98/1384 (construction of exercise track). Condition 2 to read "With reference to drawing 5407-107 dated July 2012, the use of the track between points A and B for the purposes hereby permitted shall be restricted to the hours of 0600 to 1200 Monday to Saturday and at no time on Sundays and the use of other parts of the track (the Circus) for the purposes hereby permitted shall be restricted to the hours of 0600 to 2100 Monday to Saturday and at no time on Sundays.

## PLANNING COMMITTEE MINUTES (Continued)

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

The case officer considered the following policies to be relevant:

National Planning Policy Framework

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

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

It was the case officer's opinion that the development did not prejudice the openness and rural character of the Green Belt and Arden Special Landscape Area, and would not cause serious harm to the amenity of nearby residents.

An addendum was circulated at the meeting which informed the Committee that objections from Rowington Parish Council and Lawsonford Conservation Society had been received. The Parish Council claimed that horses using the Circus would create problems and dangers of adjoining owners bringing horses onto their land as many of the paddocks were very close to the Circus. Footpath users would also be very close and in danger. The Parish Council asserted that the contents of the applicant's planning statement was aspirational and not factual as the gallops had not been used since Spring, and then outside permitted hours. The Parish Council stated that it might reconsider its stance if there was regular use, but not beyond 4.00 pm on the Circus only.

Lawsonford Conservation Society objected due to intense ongoing development at the site being contrary to residents' wishes and that conditions imposed by the Planning Inspector had been progressively removed. It also felt that no further lighting should be allowed due to the harm to residential amenity and the Green Belt. It was concerned about the practicality of monitoring hours of use of different parts of the track.

Following consideration of the report and presentation, along with the information contained within the addendum, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendations. Members felt that a note should be put on the resolution to ensure that it was clearly understood that permission had not been given for the lighting.

**RESOLVED** that item W12/0901 be GRANTED subject to a note advising no illumination of track and 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 use of the exercise track shall be carried on only by the owners of Sandall House Farm and shall be restricted to horses permanently stabled at the premises. **REASON:** To ensure

## PLANNING COMMITTEE MINUTES (Continued)

there is no increase in vehicle movements to the site in this rural location, in accordance with Policy DP7 of the Warwick District Local Plan 1996-2011; and

- (3) with reference to drawing 5407-107 dated July 2012 and submitted on 23 July 2012, the use of the track between points A and B for the purposes hereby permitted shall be restricted to the hours of 0600 to 1200 Monday to Saturday and at no time on Sundays, and the use of other parts of the track (referred to as The Circus) for the purposes hereby permitted shall be restricted to the hours of 0600 to 2100 Monday to Saturday and at no time on Sundays. **REASON:** To protect the amenity of nearby residents, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011.

### 91. **ENF 216/29/11 – LEAFIELDS FARMHOUSE, STRATFORD ROAD, WARWICK**

The Committee considered a report concerning a property belonging to a Mr Bahi. The enforcement matter was presented to the Planning Committee to request that enforcement action be authorised in respect of the unauthorised change of use of land for the storage of a caravan.

The case officer considered the following policies to be relevant:

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

DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)

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

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

It was the case officer's opinion that in view of the absence of the voluntary resolution of the matter, it was considered that the service of an Enforcement Notice was required to remedy the situation.

**RESOLVED** that ENF 216/29/11 be AUTHORISED to remove the unauthorised static caravan with a compliance period of one month.

(The meeting ended at 9.55 pm)