

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 27 April 2010 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

## 311. **DECLARATIONS OF INTEREST**

Minute Number – W10/0111- 38 Chapel Street, Warwick

Councillors Mrs Higgins and Kinson declared personal interests because the application site was in their Ward.

Minute Number – W10/0112 LB- 38 Chapel Street, Warwick

Councillors Mrs Higgins and Kinson declared personal interests because the application site was in their Ward.

Minute Number – W10/0162 – 11 Park Hill, Kenilworth

Councillor Mrs Bunker declared a personal and prejudicial interest because she was speaking in objection to the application in her capacity as Ward Councillor and had given advice to a fellow objector.

Minute Number – W10/0190 LB – 54 Tredington Park, Hatton Park, Warwick

Councillor Rhead declared a personal interest because the application site was in his Ward.

## 312. **MINUTES**

The minutes of the meetings held on 10 March and 31 March 2010 were taken as read and signed as a correct record.

## 313. **W10/0034 – SANDALL HOUSE FARM, NARROW LANE, LOWSONFORD, SOLIHULL**

At the request of officers, the Chairman agreed to defer this item until such time that the Council's enforcement team had been able to conclude their investigations into an alleged change of use of the site.

**RESOLVED** that application W10/0034 be DEFERRED.

## 314. **W10/0035 – SANDALL HOUSE FARM, NARROW LANE, LOWSONFORD, SOLIHULL**

At the request of officers, the Chairman agreed to defer this item until such time that the Council's enforcement team had been able to conclude their investigations into an alleged change of use of the site.

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

**RESOLVED** that application W10/0035 be DEFERRED.

315. **W10/0074 – BERICOTE COTTAGE, BERICOTE ROAD, BLACKDOWN, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr Singh to extend and improve the vehicle turning area and widen the entrance at the above property.

This application was presented to Committee due to the number of objections received including one from Ashow, Burton Green and Stoneleigh Joint Parish Council.

The application site formed the entrance to the driveway to the cottage, but did not include any of the residential curtilage, which was limited to a relatively small area around the cottage itself. A low fence (less than 1 m in height) had been erected beside the road, with planting on the outside of it, with a fence, gate and wall (not more than 2 m in height) at the back of the surfaced area. The whole area was located in the Green Belt.

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

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

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

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

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

Mr H Baker addressed the Committee on behalf of Ashow, Burton Green and Stoneleigh Joint Parish Council who were objecting to the application.

It was the case officer's opinion that the development did not prejudice the openness and rural character of this green belt area to an extent which warranted a refusal of permission and was considered to comply with the policies listed.

Members were concerned that the size and mass of the wall, pillars and gates would not harmonise with the Green Belt and requested the precise measurements of the construction. Members also highlighted the fact that in previous planning applications W/06/0285 and W/08/0486, conditions stated that there would be no change to the public road pedestrian or vehicle access and this application clearly contradicted this.

Following consideration of the officer's report and presentation, listening to the objector and the information contained within the addendum, the Committee were of the opinion that the application be deferred to allow for further information to be submitted. The information requested was to include the exact measurements in relation to the fence, wall and pillars from ground level or the raised slope area, details of the materials used in the surfacing of the driveway and the position regarding the conditions placed on previous applications.

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

**RESOLVED** that application W10/0074 be DEFERRED to allow further information to be submitted regarding the dimensions of the construction, the materials to be used in the surfacing of the driveway and conditions already in place on previous granted permissions.

### 316. **W10/0162 – 11 PARK HILL, KENILWORTH**

The Committee considered a retrospective application from Mr I Connell to increase the height of the flue on the rear extension and to increase the size of the W.C.

This application was presented to Committee because an objection had been received from Kenilworth Town Council. Warwick District Council's Environmental Health Department had also made comment on the application but were raising no objection.

The Committee had visited the application site on Saturday 24 April 2010 to enable them to make a more informed decision.

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)

Mrs R Molitor addressed the Committee, objecting to the application as an adjoining neighbour to the application site and Councillor Mrs Bunker addressed the Committee in her capacity as Ward Councillor. In her objection, Councillor Mrs Bunker highlighted the health implications that can result from wood burning stoves and the detrimental affect this had had on Mrs Molitor's and other residents, ability to enjoy their gardens and homes. Councillor Mrs Bunker then left the meeting and took no further part in the debate or decision making.

It was the case officer's opinion that the development was considered to have an acceptable impact on the street scene and on neighbours amenities and did not materially prejudice policies DP1 and DP2.

Members were mindful of the comments made by Mrs Molitor regarding the impact the chimney had had on her enjoying her amenity space but did not believe this outweighed the lengths the applicant had gone to, to ensure he worked with officers and agreed that he should be rewarded for using environmentally friendly methods to fuel his home.

Members suggested that the applicant continued to work with the Environmental Health Department to find a suitable mix of materials to burn that would have the least impact on neighbouring residents.

Following consideration of the officer's report and presentation, listening to the applicant and objector and the information contained within the

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

addendum, the Committee were of the opinion that the application be granted.

**RESOLVED** that application W10/0162 be GRANTED subject to the development hereby permitted shall be retained strictly in accordance with the details shown on the approved drawing 175-04 Rev D , and specification contained therein, submitted on 12th April, 2010 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.

### **317. W10/0111 – 38 CHAPEL STREET, WARWICK**

The Committee considered a part retrospective application from Mr Wesson for the demolition of a rear boundary wall fronting Priory Road, alterations to existing boundary wall, construction of raised flower beds and the extension of existing gravel and stone paver surfacing.

This application was presented to Committee to request that enforcement action be taken. A site visit had been undertaken on 24 April 2010 to assist the Committee in reaching their decision.

For ease of process at the meeting, the Chairman agreed to hear this item and the following item regarding the Listed Building consent at the same time, thus avoiding officers and members of the public needing to speak twice.

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

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

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

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

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

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

Mr Wesson addressed the Committee in support of the application and highlighted the highway safety issues relating to the driveway.

It was the case officer's opinion that there were two issues to consider - the setting of the Listed Building and the Conservation Area. The Conservation Officer objected to the proposals and considered that the wall contributed in part to a sense of enclosure which was a characteristic that was being lost in this part of Warwick. The vehicular access and highway safety justification for the proposal was noted and it was appreciated that safely manoeuvring a vehicle into and out of the property was difficult. However, it was not felt that this justified the removal of the rear boundary wall of this Listed Building in the Conservation Area which had resulted in further

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

erosion of the enclosed character which was an important characteristic of the Conservation Area.

Members were mindful of the comments made by officers and regretted the part demolition of the wall, however, it was agreed that highway safety issues were paramount and this application should make parking safer for the residents and pedestrians. They also suggested that the applicant liaise with officers to re-use as much of the original remaining materials as possible.

Following consideration of the officer's report and presentation and listening to the applicant, the Committee were of the opinion that the application be granted contrary to the officers recommendations.

**RESOLVED** that application W10/0111 be GRANTED contrary to the officers recommendations and subject to conditions being added regarding the surface of the driveway being permeable and that any future works involving the original materials and the raised beds be agreed with the conservation architect prior to works commencing.

### **318. W10/0112 LB – 38 CHAPEL STREET, WARWICK**

The Committee considered an application from a part retrospective application from Mr Wesson for the demolition of a rear boundary wall fronting Priory Road, alterations to existing boundary wall, construction of raised flower beds and the extension of existing gravel and stone paver surfacing.

This application was presented to Committee to request that enforcement action be taken and a site visit was undertaken on 24 April 2010 to assist the committee in reaching their decision.

For ease of process at the meeting, the Chairman agreed to hear the previous item and this item regarding the Listed Building consent at the same time, thus avoiding officers and members of the public needing to speak twice.

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

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

It was the case officer's opinion that the application should be refused because it related to a Listed Building within the Warwick Conservation Area and it was considered that the proposed demolition and alterations would be seriously detrimental to the character and appearance of the Listed Building, by reason of the loss of the rear brick and stone boundary wall of the property.

The rear boundary wall which was proposed to be removed was a traditional historic feature closely associated with the Listed Building which

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

contributed to its setting by defining the curtilage in a traditional manner. It was felt that the prior removal of the rear boundary walls of adjoining dwellings in the terrace demonstrated the visual harm that such a proposal could have in terms of erosion of the historic character and definition of plots, and the harm to the special setting of the terrace of Listed Buildings, and it was considered that this harm would be exacerbated by the proposed development. It was considered that the harm to the Listed Building and the Listed terrace was not outweighed by the potential benefits to highway safety and safe vehicular access and egress to the site.

Following consideration of the officer's report and presentation, listening to the applicant the Committee were of the opinion that the application be granted contrary to the officers recommendations.

**RESOLVED** that application W10/0112 LB be GRANTED contrary to the officers recommendations and subject to conditions being added regarding the surface of the driveway being permeable and that any future works involving the original materials and the raised beds be agreed with the conservation architect prior to works commencing.

### **319. W09/0215 – GREYS MALLORY, BANBURY ROAD, BISHOPS TACHBROOK**

The Committee considered an application from Spinney Farm for the erection of fattening pens access and hard standing.

This application was presented to Committee to request that enforcement action be taken and the applicant had also requested it be heard in front of the committee.

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

DP3 - Natural and Historic Environment and Landscape (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)

Warwickshire Landscape Guidelines SPG

Mr Partridge addressed the Committee in support of the application and additional information was available in the addendum which was circulated to all present at the meeting.

It was the case officer's opinion that the development, by reason of siting and in the absence of an effective woodland extension, woodland management and landscaping, would unacceptably harm the Half Moon plantation woodland, the landscape and heritage qualities of which were recognised by its protection as a woodland Tree Preservation Order and as an integral component of the locally registered historic park and garden. It would thereby unacceptably harm the locally registered historic park and

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

garden in which it was set, which formed the setting of Greys Mallory house listed building all of which were distinctive heritage assets within the Feldon Parkland landscape type. It would thereby conflict with Warwick District Local Plan policies DP3, including parts a), c) and f), DAP 11, and DAP4 (relating to setting) together with the Warwickshire Landscape Guidelines SPG.

Members were mindful that there was a great deal of planning history connected with this site dating back to Autumn 2006 and were aware that a great deal of officers time and experience had gone in to producing such a thorough report.

It was proposed and duly seconded that the item be deferred to allow members to visit the site. This proposal was voted on and lost two votes to eight as many of the members had been on site visits previously.

Following consideration of the officer's report and presentation, listening to the applicant and the information contained within the addendum, it was proposed and duly seconded that the application be refused in accordance with the officer's recommendation and agreed that enforcement action be taken.

### **RESOLVED** that

- (1) application W09/0215 be REFUSED in accordance with officers recommendations; and
- (2) enforcement action be taken to secure the removal of the pig fattening sheds, service road and concrete apron/drainage tank and to require appropriate replanting on the site.

### **320. W10/0095 – THE BYRE, 5 GREAT PINLEY BARNS, NUNHOLD ROAD, SHREWLEY**

The Committee considered a retrospective application from Mr S Hill for the erection of a single storey extension.

This application was presented to Committee to request that enforcement action be taken.

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

RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

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

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

Mr S Hill and Mr S Marson addressed the Committee in support of the application.

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

It was the case officer's opinion that the application should be refused because the proposed extension disrupted the simple form of the converted barn by reason of its flat roof with a lantern light and large areas of glazing and detracted from the original character and appearance of the complex of buildings, thereby prejudicing the objectives of the aforementioned policy. If permitted, this type of extension could act as a precedent for extensions to other converted barns which would be difficult to resist, thereby cumulatively eroding the character and appearance of the countryside to the detriment of the wider Green Belt and open countryside within the District.

The application was also contrary to Policy RAP7 of the Warwick District Local Plan (1996-2011) which set out a number of criteria for the conversion of existing rural buildings and stated that where proposals included extending rural buildings as part of their conversion, these would not be approved unless it could be demonstrated that the extension was essential for the retention of the building.

Although Members were sympathetic to the applicant's wishes and that each application should be taken on its own merits, it was felt that the Council needed to consistently apply its policies.

Following consideration of the officer's report and presentation, listening to the applicant and the information contained within the addendum, the Committee were of the opinion that the application should be refused in accordance with officers recommendations.

### **RESOLVED** that

- (1) application W10/0095 be REFUSED in accordance with the reasons set out in the officers' report; and
- (2) enforcement action be taken to remove the extension within 3 months.

### **321. W09/1528 – LAND ADJACENT 36 BERENSKA DRIVE, LEAMINGTON SPA**

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

This application was presented to Committee on 31 March due to the number of objections received and because an objection had been received from Royal Leamington Spa Town Council. At that meeting, the application was deferred to allow a site visit to be held on 24 April 2010.

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)



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

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)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)

The chairman used his discretion at the meeting to allow Councillor Ms De-Lara-Bond to address the Committee. Councillor Ms De-Lara-Bond addressed the Committee as Ward Councillor in objection to the application and highlighted the impact this development could have on residents and their amenities.

It was the case officer's 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.

However, members were concerned regarding vehicular access and parking arrangements and were in agreement that these residential developments had been well designed back in the 1980's. The application site was on the edge of the conservation area and may also have detrimental effect on the residents of Wathen Road as well as those properties in the immediate vicinity.

Following consideration of the officer's report and presentation and having heard from the Ward Councillor, the Committee were of the opinion that the application should be refused contrary to the officers recommendations.

**RESOLVED** that application W09/1528 be REFUSED for the following reasons:

- (1) the parking was contrived and the pressure placed on resident's of number 31 is unacceptable;
- (2) the application was damaging to the integrity of the original layout and design;
- (3) the dwellings in Wathen Road are set lower, therefore, this dwelling is going to look prominent from the Conservation Area;
- (4) one tree would be remaining and the majority of screening will be lost;
- (5) it would have a detrimental effect on the street scape of filling in of a corner plot where openness is characteristic of the development; and
- (6) the application is contrary to DP1 and 2 of the Council's Policy, is contrary to DP8 regarding

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

parking and DP6 and DAP8 which are concerned with the setting of conservation area.

### **322. W09/0213 – 32 KENILWORTH ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr P Akhter for the proposed change of use of rear wing from its lawful use of one 2 and one 1 bed flats (planning permission W2007/0777) to one 2 and one 1 bed mews dwellings, involving the alterations to the existing unauthorised two four bed dwellings together with the proposed retention of 3 car parking spaces and a proposed fence in the rear garden subdividing private from communal gardens.

This application was presented to Committee because an objection had been received from Royal Leamington Spa 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)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document) 2007

It was the case officer's opinion that the final amended proposals offered the appropriate balance between intensifying the use of the site by catering for market demands for houses whilst protecting the character and appearance of the villa as a single dwelling thereby maintaining the distinctive character of villas fronting Kenilworth Road. The final amended plans achieved this without increasing bedroom numbers over and above the approved plans for planning permission W04/0777 and avoided the potential need to provide more parking spaces which might cause unacceptable harm to highway safety. The proposed development thereby complied with Warwick District Local Plan 1996 -2011 policies DP1, DP2, DP6 and DAP8 together with the Vehicle Parking Standards SPD, 2007.

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 recommendations and were mindful that the applicant and officers had negotiated extensively to reach a conclusion.

**RESOLVED** that application W09/0213 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of 6 months from the date of this permission.  
**REASON** : Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act

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

2004 requires time limits on the implementation of planning permissions. In this case the proposed development represents a compromise which allows some of the development which has taken place without planning permission to be retained. Given that all of the unauthorised development could be the subject of formal enforcement action requiring the implementation of the approved plans it is appropriate to have a strict time limit for the implementation of this compromise proposal;

- (2) the planning permission hereby granted shall be implemented in accordance with the approved amended plans no.1253/02d relating to external layout and 1253/04d relating to floor plans and 1253/05c relating to elevations. **Reason:** For avoidance of doubt and to clarify the scope of the planning permission;
- (3) within 12 months of the date of this permission the concept landscaping scheme illustrated on the site layout plan 1253/02d and the associated planting schedule shall be implemented. Any plants that within a period of 5 years of planting die, become diseased or damaged beyond recovery shall be replaced during the planting season following their demise with plants of a similar species and size. **Reasons.** The implementation of the soft landscaping is necessary to mitigate the current harm to the character and appearance of the Conservation Area resulting from large extent of buildings and hard surfaces on the site and to provide an adequate level of amenity both for current occupants of the site and an outlook for neighbouring properties. It would thereby accord with WDLP policies DAP8, DP1 and DP2; and
- (4) the floor plans of the units 6 and 7 shall not be changed so as to increase the numbers of bedrooms of these units from the proposed 2 bedrooms in unit 6 and 1 bedroom in unit 7. **Reason:** The retention of these units as houses as opposed to their lawful use as flats is only acceptable if it does not result in the increase in the number of bedrooms over and above what was authorised for this part of number 32 Kenilworth Road in application W2004/0777. An increase in bedroom numbers may lead to a need for the provision of more car parking spaces in the back garden which

**PLANNING COMMITTEE MINUTES (Continued)**

would harm the character and appearance of the Conservation Area. The lack of provision in this eventuality may result in unacceptable harm to highway safety. The site is developed to maximum capacity in the context of its environmental constraints.

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

### **323. W10/0156 – BARN ADJACENT TO QUARRY COTTAGE, OLD MILVERTON LANE, OLD MILVERTON**

The Committee considered an application from MGR Fluid Power for the change of use to offices (use class B1a), general industrial use (use class B2) and storage (use class B8) with installation of link between buildings and new door.

This application was presented to Committee because an objection had been received from Old Milverton and Blackdown Joint Parish Council.

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

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP10 - Flooding (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (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)  
RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)  
RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the building proposed for conversion was of permanent and substantial construction and the proposed use could be accommodated without extensive rebuilding or alteration to the external appearance of the building. It was considered that no increased hazard to highway users would result from the development and that the proposed uses would be unlikely to have an adverse impact on the living conditions of nearby dwellings. 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.

**RESOLVED** that application W10/0156 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

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

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), and specification contained therein, submitted on 17 February 2010, 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) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) all hard surfaces hereby approved shall be made of porous materials. **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;
- (5) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (6) the residence known as Quarry Cottage (and so labelled on the approved location plan) shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floor space hereby permitted, or by a widow or widower of such a person, or any resident dependants. **REASON** : Since Quarry Cottage is situated in close proximity to the application site and may suffer noise and disturbance from the business use hereby permitted, and to meet the

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

objectives of Policy DP9 of the Warwick District Local Plan 1996-2011;

- (7) no machinery shall be operated, no process involving the use of power tools shall be carried out and no deliveries shall be taken at or despatched from the premises, except between the hours of 0800 and 1800 on Mondays to Saturdays and not at any time on Sundays, Bank or Public Holidays. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (8) the vehicular access to the site from Old Milverton Lane shall not be used until it has been provided with not less than 7.5 metres effective radiused turnouts on each side. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (9) the vehicular access for the development hereby permitted shall not be reconstructed in such a manner as to reduce the effective capacity of any highway drain or ditch. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (10) the application site shall not be used for the purposes hereby permitted unless and until the vehicular access to the site has been provided with visibility splays to the public highway carriageway with an 'x' distance of 2.4 metres and 'y' distances of 160 metres to the north-east and 120 metres to the south-west. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (11) gates provided at the entrance to the site shall not be hung so as to open to within 5.5 metres of the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the

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

requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (12) the application site shall not be used for the purposes hereby permitted unless and until there is available vehicular turning space within the site so that all anticipated vehicle types are able 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) the application site shall not be used for the purposes hereby permitted unless and until the vehicular access has been surfaced with a boundary material for a distance of 5.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the District Planning Authority, 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;
- (14) no materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (15) 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 2, 8 and 41 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policy RAP7 of the Warwick District Local Plan 1996-2011.



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

### **324. W10/0214 – 12 STATION APPROACH, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr S Dawkins for the change of use from offices to House in Multi-Occupancy, including alterations to elevations, solar panels, bin store and metal boundary fence.

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

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

Vehicle Parking Standards (Supplementary Planning Document)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of impact on the amenity of the neighbouring properties which would justify a refusal of permission. 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 officers recommendations.

**RESOLVED** that application W10/0214 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) RevB 740-03, and specification contained therein, submitted on 26/03/2010 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

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

first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and

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

### **325. W10/0107 – LAND TO THE REAR OF 427-433 TACHBROOK ROAD, WHITNASH**

The Committee considered an application from Castle Homes of Warwick Ltd for the erection of two additional semi-detached dwellings together with associated garages, car parking and landscaping (making ten new dwellings in total).

This application was presented to Committee because an objection had been received from Royal Leamington Spa 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)  
DP11 - Drainage (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)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)  
Distance Separation (Supplementary Planning Guidance)  
The 45 Degree Guideline (Supplementary Planning Guidance)  
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)  
Affordable Housing (Supplementary Planning Document - January 2008)

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

Sustainable Buildings (Supplementary Planning Document - December 2008)

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

Members were concerned that by separating this application from the previous one for eight dwellings, the developer may be trying to avoid the issue of providing affordable housing. It was discussed that as a number of the conditions related to the first application of eight dwellings, that the two applications should not be taken separately.

It was proposed and duly seconded that the application should be deferred until up to date information on Affordable Housing could be circulated to Members.

Following consideration of the officer's report and presentation the Committee were of the opinion that the item be deferred.

**RESOLVED** that application W10/0107 be DEFERRED to allow for further information regarding Affordable Housing to be circulated.

### 326. **W10/0137 – CUMSEY LODGE, THE CUMSEY, PINLEY GREEN, WARWICK**

The Committee considered an application from Mr M Jarrett for the erection of a tractor store and stables building.

This application was presented to Committee because an objection had been received from Rowington Parish 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)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DAP1 - Protecting the Green Belt (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 this green belt area and was 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 officers recommendations.

**RESOLVED** that application W10/0137 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. 1326/03C, /05A and /100LA, and specification contained therein, submitted on 1st and 7th April 2010 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; and
- (3) no work of any kind shall be begun on the site until 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.

### **327. W10/0190 – 54 TREDINGTON PARK, HATTON PARK, WARWICK**

The Committee considered an application from Mrs S Chapman for a loft conversion with rooflights.

This application was presented to Committee because an objection had been received from Hatton Parish Council.

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

DAP4 - Protection of Listed Buildings (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 listed

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

building and was of an acceptable standard of design and detailing. 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 recommendations.

**RESOLVED** that application W10/0190 be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended 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) (1707-02C), and specification contained therein, submitted on 12 April 2010 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; and
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of conservation type roof lights 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 a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

(The meeting finished at 9.35pm)