

Planning Committee

Tuesday 22 July 2014

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 22 July 2014 at 6.00pm.

Councillor Rhead (Chairman)

Councillor Brookes (Vice Chairman)

Councillor Boad

Councillor MacKay

Councillor Mrs Bromley

Councillor Weber

Councillor Mrs Bunker

Councillor Wilkinson

Councillor Ms De-Lara-Bond

Councillor Williams

Councillor Doody

Emergency Procedure

At the commencement of the meeting the emergency procedure for the Town Hall will be displayed on screen for information.

Agenda

Part A – General

*1. Substitutes

To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

*2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

***3. Site Visits**

The Chairman to report the location of the planning application sites visited and the names of the Committee Members who attended.

***4. Minutes**

To confirm the minutes of the meeting held on 27 May and 24 June 2014

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Part B – Planning Applications

To consider the following reports from the Head of Development Services:

- *5. W14/0775 – Land to the South of Fieldgate Lane, Whitnash (Item 5/Page 1)**

****This is a major application****

- *6. W14/0572 – 1 Tulip Tree Avenue, Kenilworth (Item 6/Page 1)**

- *7. W14/0785 – 228 Valley Road, Lillington, Royal Leamington Spa (Item 7/Page 1)**

- *8. W14/0863 – Avon Court, 51 Kenilworth Road, Royal Leamington Spa (Item 8/Page 1)**

- *9. W14/0887 – Vine Lane, Warwick (Item 9/Page 1)**

- *10. TPO No. 485 – Sherbourne House, Vicarage Lane, Sherbourne, Warwick (Item 10/Page 1)**

(*Denotes those items upon which decisions will be made under delegated powers, as previously granted by Council).

Part C – Other matters

None.

Please note:

- (a) the background papers relating to reports on planning applications are open to public inspection under Section 100D of the Local Government Act 1972 and consist of all written responses to consultations made by the Local Planning Authority in connection with the planning applications referred to in the reports, the County Structure Plan Local Plans and Warwick District Council approved policy documents.
- (b) all items have a designated Case Officer and any queries concerning those items should be directed to that Officer.

- (c) in accordance with Council's Public Speaking Procedure, members of the public can address the Planning Committee on any of the planning applications being put before the Committee. If you wish to do so, please call 01926 353362 (Monday to Thursday 8:00am to 7:00pm, Friday 8:00am to 6:00pm and Saturday 9:00am to 1pm) or email committee@warwickdc.gov.uk, anytime after the publication of this agenda, but before 12 noon on the working day before the day of the meeting and you will be advised of the procedure.
- (d) please note, that the running order for the meeting may be different to that published above, in order to accommodate items where members of the public - Have registered to address the Committee.
- (e) occasionally items are withdrawn from the agenda after it has been published. In this instance, it is not always possible to notify all parties interested in the application. However, if this does occur, a note will be placed on the agenda via the Council's web site, and where possible, the applicant and all registered speakers (where applicable) will be notified via telephone.

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General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 353362

Facsimile: 01926 456121

E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the Case Officer named in the reports.

You can e-mail the members of the Planning Committee at
planningcommittee@warwickdc.gov.uk

Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

Please note that the majority of meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 353362 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

The agenda is available in large print on request,
prior to the meeting, by telephoning (01926)
353362

Planning Committee

Minutes of the meeting held on Tuesday 27 May 2014 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Rhead (Chairman); Councillors Brookes, Mrs Bunker, Mrs Bromley, Doody, MacKay, Mrs Syson, Weber, Wilkinson and Williams.

Apologies for absence were received from Councillors Boad and Ms De-Lara-Bond.

1. **Substitutes**

There were no substitutes.

2. **Appointment of Chairman**

It was moved by Councillor Mrs Syson, and duly seconded that Councillor Doody be appointed Chairman of Planning Committee. It was also moved by Councillor Williams, and duly seconded that Councillor Rhead be appointed Chairman of Planning Committee. On being put to the vote it was carried by seven votes to three and therefore it was;

Resolved that Councillor Rhead be elected Chairman of Warwick District Council's Planning Committee for the municipal year 2014/15.

3. **Appointment of Vice-Chairman**

It was moved by Councillor Weber, seconded by Councillor Williams and

Resolved that Councillor Brookes be elected Vice-Chairman of Warwick District Council's Planning Committee for the municipal year 2014/15.

4. **Declarations of Interest**

Minute Number 7 – W14/0430 – Unit 2, Regent Court, Livery Street, Royal Leamington Spa

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

Minute Number 8 - W14/0437 – Unit 6, Regent Court, Livery Street, Royal Leamington Spa

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

Minute Number 9 – W14/0322 – Land east of Radford Semele, north of Southam Road, Radford Semele

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

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 10 – W14/0404 – 5-6 Milverton Crescent West, Royal Leamington Spa

Councillor Mrs Syson declared an interest because the application site was in her Ward and she had sat on the Conservation Advisory Forum when it had been discussed.

Minute Number 11 – W14/0473 – 78 Montague Road, Warwick

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

Minute Number 12 – W14/0084 – Post Office Cottage, Hatton Green, Hatton

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

Minute Number 13 – W14/0533 – 16 Arlington Avenue, Royal Leamington Spa

Councillor Mrs Syson declared an interest because she knew residents who lived in the Avenue and had sat on the Conservation Advisory Forum when the site had been discussed.

Minute Number 14 – W14/0537 – Crackley Hall School, Coventry Road, Kenilworth

Councillor Mrs Bunker declared an interest because she had visited the school and the Head Teacher had spoken to her about the application but she had not expressed an opinion.

Minute Number 20 – W14/0005 – Bury Lodge, Offchurch Lane, Offchurch

Councillor Doody declared that he had an interest and would not be voting.

Minute Number 21 – W03/1254 – 5 Hawkes Hill Close, New Road, Norton Lindsay

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

Minute Number 23 – W14/0487 – Mid Warwickshire Crematorium, Newbold Road, Bishop's Tachbrook

All members of the Planning Committee declared an interest because the site was Warwick District Council owned.

5. Site Visits

To assist with decision making, Councillors Mrs Bromley, Doody, MacKay, Rhead, Weber, and Williams had visited the following application sites on Saturday 24 May 2014:

PLANNING COMMITTEE MINUTES (Continued)

W14/0084 – Post Office Cottage, Hatton Green, Hatton
W14/0322 – Land east of Radford Semele, north of Southam Road, Radford Semele
W14/0404 – 5-6 Milverton Crescent West, Royal Leamington Spa
W14/0416 & W14/0417 LB – Abbotsford School, Bridge Street, Kenilworth
W14/0533 – 16 Arlington Avenue, Royal Leamington Spa

Councillor Wilkinson only visited the sites for applications W14/0404 and W14/0533.

6. Minutes

The minutes of the meeting held on 18 March 2014 were agreed and signed by the Chairman as a correct record subject to the inclusion of Councillors Kirton and Williams in the record of councillors who had attended the site visits.

The minutes of the meetings held on 8 April 2014 and 29 April 2014 were agreed and signed by the Chairman as a correct record.

7. W14/0430 – Unit 2, Regent Court, Livery Street, Royal Leamington Spa

The Committee considered an application from New River Retail for a variation of condition 6 of planning permission no. W13/1578 to allow for the creation of an outdoor seating area in front of Unit 2, Regent Court; the restriction would remain in place for the remainder of the units covered by planning permission no. W13/1578.

The application was presented to the Committee because it had previously been agreed that further applications for outdoor seating at Regent Court would be presented to the Committee.

The officer considered the following policies to be relevant:

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
TCP13 - Design of Shopfronts (Warwick District Local Plan 1996 - 2011)
Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).
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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)

PLANNING COMMITTEE MINUTES (Continued)

Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework
The emerging Warwick District Local Plan 2011 – 2029.

An addendum circulated at the meeting informed the Committee that in order to account for the fact that an Operational Management Plan had been submitted and would be approved if the Planning Committee decided to grant planning permission, amended wording would be required for Condition 12.

It was the officer's opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area.

Prior to each speaker stating their case, the Chairman checked that each speaker would be willing to speak on applications W14/0430 and W14/0437 at the same time. All speakers were happy for this arrangement.

Councillor Gifford addressed the Committee on behalf of the Town Council against the application, followed by Mr Wrighton who spoke in support of the application. Councillor Weber addressed the Committee as Ward Member in objection to the application.

The Council's solicitor advised the Committee on the distinction between what was a Planning matter and what was a Licensing matter.

There was concern that allowing outside seating would mean that the residents living above the premises would be disturbed by noise levels and it was noted that the noise level was not stated in the report submitted to Planning. Committee members felt that it was appropriate to control how late the residents would be disturbed by the noise.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed that the application should be granted subject to a condition that external seating could only be provided up to 1930 hours.

Resolved that W14/0430 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 301B, 302A, 303A, 304B, 307A & 309A, and specification contained therein, submitted on 17 January 2014 in relation to planning application no. W13/1578

PLANNING COMMITTEE MINUTES (Continued)

and drawing no. 0132, submitted on 20 March 2014 in relation to the current planning application. 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) the development hereby permitted shall be carried out only in full accordance with sample details of the facing and surfacing materials which shall have been submitted to and approved in writing by the local planning authority. Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011;
 - (4) no development shall be carried out on the site which is the subject of this permission until further details of the box planters, tree pots, litter bins, public art, canopies and seating have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
 - (5) no customers shall be permitted to be on the premises other than between 0730 and 2330 hours on any day. Reason: To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
 - (6) no external seating shall be provided in association with any of the restaurants hereby permitted, except for the areas in front of Units 2 and 6 shown on drawing nos. 0132 & 0134. No customers shall be permitted to use these external seating areas before 0930 hours or after 1930 hours on any day. At all times that these external seating areas are in use, the canopies to be approved under Condition 11 shall be maintained in the open position between 1700 hours and 1930 hours. No furniture within the external seating areas shall be moved before 0930 hours or after 1930
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PLANNING COMMITTEE MINUTES (Continued)

hours on any day. Any part of any furniture that is in contact with the ground shall be fitted with rubber stoppers to minimise noise. Reason: To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;

- (7) no deliveries, waste collections or other noisy activities likely to cause nuisance to nearby residents shall take place before 0700 hours or after 2130 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. Reason: To ensure that noisy activities do not take place at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (8) noise arising from any plant or equipment, 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 the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (9) no restaurant / cafe hereby permitted shall be occupied unless:
 - (a) a noise assessment has been undertaken to assess the impact of noise arising from any plant, fume extraction, air conditioning or refrigeration equipment that is required to serve that unit;
 - (b) a noise assessment has been undertaken to assess the suitability of the existing sound insulation in the ceiling of that unit to ensure that internal noise levels within adjoining or nearby residential premises comply with the criteria outlined in BS8233:1999 and World Health Organisation guidelines;
 - (c) the results of the noise assessments carried out to comply with criteria (a) and (b), together with details of any necessary

PLANNING COMMITTEE MINUTES (Continued)

mitigation measures, have been submitted to and approved in writing by the local planning authority; and

(d) any necessary mitigation measures approved under (c) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

Reason: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(10) no restaurant / cafe hereby permitted shall be occupied unless:

(a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;

(b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and

(c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

Reason: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(11) no restaurant / cafe hereby permitted shall be occupied unless:

(a) details of an acoustically absorbent canopy, to include enclosed sides, have been submitted to and approved in writing by the local planning authority; and

PLANNING COMMITTEE MINUTES (Continued)

(b) the canopy approved under (a) has been installed in strict accordance with the approved details.

The canopy shall be retained and maintained in accordance with the approved details at all times that the premises are used as a restaurant / cafe.

Reason: To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;

- (12) all of the restaurants / cafes hereby permitted shall be operated in strict accordance with the Operational Management Plan submitted on 12 May 2014 (in relation to planning application nos. W14/0430 and W14/0437). Reason: To protect the living conditions of neighbouring dwellings and to prevent crime and anti-social behaviour, in accordance with Policies DP2, DP9 and DP14 of the Warwick District Local Plan;

- (13) no restaurant / cafe hereby permitted shall be occupied unless:

(a) details of a refuse storage area for that unit have been submitted to and approved in writing by the local planning authority; and
(b) the refuse storage area approved under (a) has been constructed and laid out in strict accordance with the approved details.

The refuse storage area shall thereafter be kept free of obstruction and be available at all times for the storage of refuse associated with the development.

Reason: To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (14) no more than two of the restaurant / cafes hereby permitted shall be occupied unless:

(a) a CCTV scheme for Livery Street has been submitted to and approved in writing by the local planning authority; and
(b) the CCTV scheme approved under (a) has been implemented in strict accordance with the approved details.

PLANNING COMMITTEE MINUTES (Continued)

Reason: In the interests of reducing crime and anti-social behaviour, in accordance with Policy DP14 of the Warwick District Local Plan 1996-2011;

- (15) no restaurant / cafe hereby permitted shall be occupied unless:

(a) a scheme showing how 10% of the predicted energy requirement of that unit 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; and
(b) all the works within the scheme approved under (a) have been completed.

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;

- (16) no lighting or illumination of any part of any buildings or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and

- (17) no more than 28 external covers shall be permitted in relation to Unit 2. No more than 24 external covers shall be permitted in relation to Unit 6. Reason: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

(Councillor Weber sat with the public speakers for this item).

8. W14/0437 – Unit 6, Regent Court, Livery Street, Royal Leamington Spa

The Committee considered an application from New River Retail for a variation of condition 6 of planning permission no. W13/1578 to allow for the creation of an outdoor seating area in front of Unit 6, Regent Court; the restriction would remain in place for the remainder of the units covered by planning permission no. W13/1578.

The application was presented to the Committee because it had previously been agreed that further applications for outdoor seating at Regent Court would be presented to the Committee.

The officer considered the following policies to be relevant:

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
TCP13 - Design of Shopfronts (Warwick District Local Plan 1996 - 2011)
Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).
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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework
The emerging Warwick District Local Plan 2011 – 2029.

An addendum circulated at the meeting informed the Committee that in order to account for the fact that an Operational Management Plan had been submitted and would be approved if the Planning Committee decided to grant planning permission, amended wording would be required for Condition 12.

It was the officer's opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area.

The Speakers spoke on applications W14/0430 and W14/0437 at the same time.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed that the application should be granted subject to a condition that external seating could only be provided up to 1930 hours.

Resolved that W14/0437 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 301B, 302A, 303A, 304B, 307A & 309A, and specification contained therein, submitted on 17 January 2014 in relation to planning application no. W13/1578 and drawing no. 0134, submitted on 27 March 2014 in relation to the current planning application. 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) the development hereby permitted shall be carried out only in full accordance with sample details of the facing and surfacing materials which shall have been submitted to and approved in writing by the local planning authority. Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011;
- (4) no development shall be carried out on the site which is the subject of this permission until further details of the box planters, tree pots, litter bins, public art, canopies and seating have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (5) no customers shall be permitted to be on the premises other than between 0730 and 2330 hours on any day. Reason: To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (6) no external seating shall be provided in association with any of the restaurants hereby permitted, except for the areas in front of Units 2 and 6 shown on drawing nos. 0132 & 0134. No customers shall be permitted to use these external seating areas before 0930 hours or after 1930 hours on any day. At all times that these external seating areas are in use, the canopies to be approved under Condition 11 shall be maintained in the open position between 1700 hours and 1930 hours. No furniture within the external seating areas shall be moved before 0930 hours or after 1930 hours on any day. Any part of any furniture that is in contact with the ground shall be fitted with rubber stoppers to minimise noise. Reason: To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;
- (7) no deliveries, waste collections or other noisy activities likely to cause nuisance to nearby residents shall take place before 0700 hours or after 2130 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. Reason: To ensure that noisy activities do not take place at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (8) noise arising from any plant or equipment, 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 the occupiers of nearby properties

PLANNING COMMITTEE MINUTES (Continued)

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

- (9) no restaurant / cafe hereby permitted shall be occupied unless:

(a) a noise assessment has been undertaken to assess the impact of noise arising from any plant, fume extraction, air conditioning or refrigeration equipment that is required to serve that unit;

(b) a noise assessment has been undertaken to assess the suitability of the existing sound insulation in the ceiling of that unit to ensure that internal noise levels within adjoining or nearby residential premises comply with the criteria outlined in BS8233:1999 and World Health Organisation guidelines;

(c) the results of the noise assessments carried out to comply with criteria (a) and (b), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and

(d) any necessary mitigation measures approved under (c) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

Reason: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (10) no restaurant / cafe hereby permitted shall be occupied unless:

(a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;

(b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and

(c) any necessary mitigation measures

PLANNING COMMITTEE MINUTES (Continued)

approved under (b) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

Reason: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (11) no restaurant / cafe hereby permitted shall be occupied unless:

(a) details of an acoustically absorbent canopy, to include enclosed sides, have been submitted to and approved in writing by the local planning authority; and

(b) the canopy approved under (a) has been installed in strict accordance with the approved details.

The canopy shall be retained and maintained in accordance with the approved details at all times that the premises are used as a restaurant / cafe.

At all times that Units 2 and 6 are used as a restaurant / cafe, the canopies to those units shall be maintained in a fully open position between 1700 hours and 2330 hours.

Reason: To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;

- (12) all of the restaurants / cafes hereby permitted shall be operated in strict accordance with the Operational Management Plan submitted on 12 May 2014 (in relation to planning application nos. W14/0430 and W14/0437). Reason: To protect the living conditions of neighbouring dwellings and to prevent crime and anti-social behaviour, in accordance with Policies DP2, DP9 and DP14 of the Warwick District Local Plan;

- (13) no restaurant / cafe hereby permitted shall be occupied unless:

PLANNING COMMITTEE MINUTES (Continued)

(a) details of a refuse storage area for that unit have been submitted to and approved in writing by the local planning authority; and
(b) the refuse storage area approved under (a) has been constructed and laid out in strict accordance with the approved details.

The refuse storage area shall thereafter be kept free of obstruction and be available at all times for the storage of refuse associated with the development.

Reason: To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

(14) no more than two of the restaurant / cafes hereby permitted shall be occupied unless:

(a) a CCTV scheme for Livery Street has been submitted to and approved in writing by the local planning authority; and
(b) the CCTV scheme approved under (a) has been implemented in strict accordance with the approved details.

Reason: In the interests of reducing crime and anti-social behaviour, in accordance with Policy DP14 of the Warwick District Local Plan 1996-2011;

(15) no restaurant / cafe hereby permitted shall be occupied unless:

(a) a scheme showing how 10% of the predicted energy requirement of that unit 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; and
(b) all the works within the scheme approved under (a) have been completed.

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
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PLANNING COMMITTEE MINUTES (Continued)

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

(16) no lighting or illumination of any part of any buildings or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. Reason: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(17) no more than 28 external covers shall be permitted in relation to Unit 2. No more than 24 external covers shall be permitted in relation to Unit 6. Reason: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

(Councillor Weber sat with the public speakers for this item)

9. W14/0322 – Land east of Radford Semele, north of Southam Road, Radford Semele

The Committee considered an application from Sharba Homes Limited for the construction of up to 60 market and affordable dwellings, new vehicular access, open space and associated infrastructure. This was an outline application including details of access.

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

The officer considered the following policies to be relevant:

Warwick District Local Plan 2011-2029 Publication Draft - published April 2014

Warwickshire Landscape Guidelines SPG

Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)

Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

National Planning Policy Framework

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Open Space (Supplementary Planning Document - June 2009)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Affordable Housing (Supplementary Planning Document - January 2008)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP5 - Density (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
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)

An addendum circulated at the meeting informed the Committee that Warwickshire County Council Education Department had requested a contribution of £402,653 and Warwickshire County Council Archaeology had informed the Council that a site survey had identified potential areas of archaeological interest within the site and it was therefore requested that a condition be imposed upon any grant of outline planning permission. NHS England had requested a contribution of £33,647.18 towards funding primary medical facilities as they had assessed the three current planning applications in Radford Semele together. The contribution just for this application would be £8,723.34. Warwick District Council Health & Community Protection had not raised an objection following discussion, subject to a condition requiring a detailed surface water run-off management scheme, a scheme for the design and construction of means for disposal of surface water and SUDS, and a surface water maintenance scheme. Revised wording was given for Condition 19 in the officer's report. The Environment Agency had confirmed that it did not have any objection to the application. The Ramblers Association had confirmed that public paths were not affected but that the site would take the village onto the ridge line and would therefore have a significantly detrimental impact on the open character of the countryside in long distance views. Warwickshire County Council Rights of Way Team had stated that there were no public rights of way crossing or immediately abutting the site but they requested a contribution of £2140 towards improvements to public rights of way within a 1.5 mile radius of the development site. The contribution of £2140

PLANNING COMMITTEE MINUTES (Continued)

had therefore been added to the list of required planning contributions to be secured by the S106 agreement.

It was the officer's opinion that due to the Council's lack of a five year supply of housing land, Local Plan Policy RAP1 was out of date. Therefore the National Planning Policy Framework (NPPF) required applications to be considered in the context of the presumption in favour of sustainable development. This stated, at paragraph 14, that where the development plan policies were out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

The development would deliver economic benefits through the generation of employment during the construction phase, and from the increased population which would contribute towards increased expenditure in the local area and dependence on local facilities. Social benefits would include the provision of a mix of types and sizes of market and affordable housing to meet identified local needs, the provision of open space and footpaths, and improvements to shared infrastructure. Environmental benefits would arise from measures to increase biodiversity, sustainable transport improvements, more efficient use of land, provision of open spaces, and improved footpath links. The site was in a sustainable location adjacent to the village where residents could access a range of services. The development represented sustainable development by satisfying the three dimensions identified in the NPPF.

It had been concluded that any issues of concern that have been raised can be satisfactorily addressed through the assessment of reserved matters applications, the provision of new facilities, and the provision of new infrastructure by way of financial contributions. The development would have an adverse impact on the surrounding landscape in terms of the loss of openness and rural character, however, these impacts needed to be balanced against the wider benefits of the development listed above.

In the particular circumstances of this application, it was not considered that the adverse impacts on the landscape and rural area significantly and demonstrably outweighed the benefits of the development. The development was considered to comply with all current Local Plan policies aside from RAP1, which the NPPF advised could not carry any weight. Furthermore the development was considered to comply with the policies of the NPPF, taken as a whole. The presumption in favour of sustainable development carried substantial weight, as did the contribution the development would make to the provision of housing to meet the needs of the District. The fact that the site was identified as a housing allocation in the Draft Local Plan needed to be given serious consideration, due to its stage in the plan process, but the evidence base supported the inclusion of the site in the Draft Local Plan carried some weight. It was therefore concluded that planning permission should be granted.

Councillor Chater, representing Radford Semele Parish Council addressed the Committee in support of the application, followed by Mr Steel, a local resident who addressed the Committee in opposition to the application. Councillor Doody addressed the Committee as Ward Member in support of the application.

PLANNING COMMITTEE MINUTES (Continued)

The Chairman requested that the amendment stated in the addendum in respect of archaeology was stipulated in the conditions should permission be granted.

The Head of Development Services was asked to obtain a copy of the Transport Pack from Warwickshire County Council.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed that the application should be granted subject to the conditions in the report and addendums and subject to the completion of a satisfactory Section 106 Agreement to secure the contributions listed, and subject to no further objection from National Grid, and any conditions requested by them. Should a satisfactory Section 106 Agreement not have been completed by 6th June 2014, Planning Committee were recommended to delegate authority to the Head of Development Services to REFUSE planning permission on the grounds that the proposals made inadequate provision in respect of the issues the subject of that agreement.

Resolved that W14/0322 be **granted** subject to the following conditions and subject to the completion of a satisfactory Section 106 Agreement to secure the contributions listed in the report and addendums, and subject to no further objection from National Grid, and any conditions requested by them. Should a satisfactory Section 106 Agreement not be completed by 6th June 2014, Planning Committee are authorised to the Head of Development Services to REFUSE planning permission on the grounds that the proposals make inadequate provision in respect of the issues the subject of that agreement.

Conditions:

- (1) this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
 - (a) layout
 - (b) scale
 - (c) appearance
 - (d) landscaping

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

- (2) application for approval of the reserved matters shall be made to the local planning

PLANNING COMMITTEE MINUTES (Continued)

authority not later than three years from the date of this permission. Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);

- (3) the development to which this permission relates shall begin within three years of the date of this 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);
- (4) the access hereby permitted shall be constructed in strict accordance with the details shown on approved access drawing(s) JPH/131105/Figure 1 submitted on 6 March 2014 and with the radii increased to 8 metres. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2 and DP6 of the Warwick District Local Plan 1996-2011;
- (5) any dwellings, garages or other buildings hereby permitted shall be sited only within the "Development Area" shaded beige and referred to on drawing "Figure 6 Landscape Strategy Bir.4346_02". Reason: For the avoidance of doubt and to ensure built development is contained within the least visually sensitive part of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (6) no development shall take place under any relevant phase of development until a detailed lighting scheme for that phase has been submitted to and agreed in writing by the local planning authority. In discharging this condition the local planning authority expects lighting to be restricted around the boundary edges, particularly along hedgerows, where protected species are likely to be found, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife. This could be achieved in the following ways:
 - (a) low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
 - (b) the brightness of lights should be as low as legally possible;
 - (c) lighting should be timed to provide some dark periods; and

PLANNING COMMITTEE MINUTES (Continued)

(d) connections to areas important for foraging should contain unlit stretches.

Such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

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

- (7) no phase of the development shall take place under any reserved matters consent until a scheme for that reserved matters consent and phase of development 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 local planning authority. That phase of 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) no development shall take place under any reserved matters consent until a scheme for that reserved matters consent has been submitted to and approved in writing by the local planning authority indicating how and when the 'Secured by Design' standards will be incorporated into the development. The scheme shall be implemented in accordance with the approved details and shall be retained at all times thereafter. Reason: To ensure Secured by Design standards are met, in accordance with Policy DP14 of the Warwick District Local Plan;

- (9) no part of the development hereby permitted
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PLANNING COMMITTEE MINUTES (Continued)

shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2012, a Guide for Trees in relation to construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. Reason: In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (10) the development hereby permitted (including demolition) shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for protected and notable species with subsequent mitigation as deemed appropriate. In addition appropriate working practices and safeguards for other wildlife dependent of further survey work, that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. Reason: To ensure that protected species are not harmed by the development in accordance with National Planning Policy Framework (NPPF), ODPM Circular 06/2005 and Saved Policy DAP 3 of the Warwick District Local Plan;

- (11) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan

PLANNING COMMITTEE MINUTES (Continued)

should also include details of habitat enhancement/creation measures and management, such as pond, wildflower grasslands, provision of habitat for protected species. Such approved measures shall thereafter be implemented in full. Reason: To ensure a net bio-diversity gain in accordance with the National Planning Policy Framework (NPPF);

(12) the development hereby permitted shall not commence until: -

(1) (a) A site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to human health;
- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
- an appropriate gas risk assessment to be undertaken;
- refinement of the conceptual model; and
- the development of a method statement detailing the remediation requirements.

(b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

(c) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion and shall be approved

PLANNING COMMITTEE MINUTES (Continued)

in writing by the local planning authority prior to the remediation being carried out on the site.

- (2) All development of the site shall accord with the approved method statement.
- (3) If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.
- (4) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To safeguard health, safety and the environment in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (13) the development hereby permitted shall not commence until a scheme detailing arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter. Reason: To protect residents of the development from the adverse effects of traffic noise from outside the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (14) the development hereby permitted shall not be
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PLANNING COMMITTEE MINUTES (Continued)

commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. Reason: In the interests of fire safety;

- (15) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. Reason: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;

- (16) no development shall take place unless and until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The Low Emission Strategy shall thereafter be implemented in strict accordance with the approved details. Reason: To ensure mitigation against air quality impacts associated with the proposed development, in accordance with Policy DP9 of the Warwick District Local Plan and the aims and objectives of national guidance within the NPPF 2012;

PLANNING COMMITTEE MINUTES (Continued)

- (17) the development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that shall have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

- (18) no part of the development hereby permitted shall be commenced until a detailed badger survey, including timetabled mitigation measures where appropriate, has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing to the local planning authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable. Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (19) the development hereby permitted shall be carried out in strict accordance with details of a scheme for the design and construction of the means of disposal of surface water from the development and associated SUD's facilities that shall have been submitted to and approved in writing by the local planning authority. These details shall include large scale plans and cross and longitudinal sections, showing design, layout to include finished floor levels, construction of the surface water drainage systems to outfall and to include condition surveys to outfall ditch development. The development hereby permitted shall not be brought into use until a report detailing the future maintenance of all drainage systems on site, which must be accompanied with a risk assessment, has been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. Reason: To ensure that a satisfactory means of drainage is provided such as to minimise flooding, which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (20) any landscaping (other than the planting of trees and shrubs) approved under condition 1, including boundary treatment, paving and footpaths, shall be completed in all respects for that phase of development, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the dwellings within that phase 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 ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;
- (21) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). Reason: To protect those landscape features which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (22) the mix of type and size of market dwellings submitted as part of any reserved matters application must accord with the recommendations contained within the most up to date version of the "Development Management Policy Guidance : Achieving Mix of Market Housing on new Development Sites". Reason: To ensure that the housing meets the needs of the District as required by Local Plan Policy SC1 and the NPPF;
- (23) visibility splays to be provided at the vehicular accesses to the site shall have 'x' distances of 2.4 metres and 'y' distances of 90 metres to the west and 160m to the east measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (24) no dwelling shall be occupied until a footway connection has been made between the site and the existing footway on the northern side of a A425, as indicatively shown on plan JPH/131105/Figure 1. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (25) prior to the submission of any reserved matters application, the submission, approval and undertaking of a written scheme of archaeological investigation and an archaeological mitigation strategy, the latter to have been implemented prior to the commencement of any development.

(Councillor Doody sat with the public speakers for this item)

10. W14/0404 – 5-6 Milverton Crescent West, Royal Leamington Spa

The Committee considered an application from Lewis and Lewis for the demolition of two buildings, retention of coach house and conversion into a single dwelling, and erection of six new dwellings and provision of car parking. This was a resubmission of application W13/0681.

PLANNING COMMITTEE MINUTES (Continued)

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

The officer considered the following policies to be relevant:

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

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

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

National Planning Policy Framework

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)

DP8 - Parking (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)

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

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

UAP1 - Directing New Housing (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)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Vehicle Parking Standards (Supplementary Planning Document)

Open Space (Supplementary Planning Document - June 2009)

Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance)

The emerging Warwick District Local Plan 2011 - 2029

An addendum circulated at the meeting informed the Committee that a Highways and Transportation Statement and an amended parking layout plan had been submitted in response to the concerns raised by the Highway Authority. In response to this, Warwickshire County Council Highways had now withdrawn its objection and had recommended conditions. The Conservation Advisory Forum had concerns about the parking arrangements on the site. It also made suggestions on positioning of taller buildings.

It was the officer's opinion that that the scheme addressed the reasons for refusal previously given by the Planning Inspector, and that the proposal therefore protected the Conservation Area and provided adequate refuse storage. The residual impact on highway safety would not be severe, and

PLANNING COMMITTEE MINUTES (Continued)

the harm caused to highway safety did not outweigh the benefits of the proposal. The application should therefore be approved as it would accord with the policies listed aside from DP6.

Councillor Gifford addressed the Committee on behalf of the Town Council against the application. He also suggested an additional, condition the wording of which he read out, from County Highways Department.

Members were informed that the application was not that different from the one that had gone before the Planning Inspector but now the Highways Authority had withdrawn its objections.

Following consideration of the report, presentation and addendum, and the representation made at the meeting, the Committee agreed that the application should be granted subject to the conditions listed in the report and addendum and including the condition that Councillor Gifford had read out from Warwickshire County Council Highways Department.

Resolved that W14/0404 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (1525/1A; 1525/2B submitted on 17 March 2014. 1525/7A submitted on 12 May 2014), and specification contained therein. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) 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) no development shall take place until:
 - (a) A desk-top study has been carried out that shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and, using this

PLANNING COMMITTEE MINUTES (Continued)

information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced.

(b) If identified as being necessary having completed the desk-top survey study, a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to human health
- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected
- An appropriate gas risk assessment to be undertaken
- Refinement of the conceptual model
- The development of a method statement detailing the remediation requirements

(c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

(d) A method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion. This should be approved in writing by the local planning authority prior to the remediation being carried out on the site.

2. All development of the site shall accord with the approved method statement.

3. If during development, contamination not previously identified, is found to be present at the site then no further development shall take place (unless otherwise agreed in writing with the local planning authority for an addendum to the method statement). This addendum to the method statement must detail how this

PLANNING COMMITTEE MINUTES (Continued)

unsuspected contamination shall be deal with.

4. Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report;

- (5) before the use commences, the building shall be insulated in strict accordance with the noise insulation scheme detailed within the internal noise survey report submitted with the application and thereafter such works shall not be removed or altered in any way without the prior written approval of the local planning authority. This shall be supplemented with a site visit from Environmental Health to witness the pre-completion sound insulation testing prior to internal decoration. The applicant shall also confirm that there has been no change to the surrounding environment or equipment in the adjoining garage/MOT centre that would adversely affect the findings of the submitted survey. Reason: To ensure that the level of noise inside the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the future occupiers in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
 - (6) unit 2 hereby permitted shall not be occupied unless and until the unit has been insulated against noise and vibration through the structure from the gates beneath, and from vehicles passing underneath the unit, in accordance with a scheme to be submitted to and approved in writing by the local planning authority. Reason: To ensure that the dwelling as a satisfactory standard of amenity in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
 - (7) the development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works
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PLANNING COMMITTEE MINUTES (Continued)

to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be complete in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. In order to discharge the condition above a brief report from the bat worker must be submitted to and approved by the Local Planning Authority (with advice from WCC Ecological Services). Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (8) 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. Reason: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;
 - (9) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Warwick District Council Conservation Area. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s);
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PLANNING COMMITTEE MINUTES (Continued)

no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).

Reason: To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (10) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

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

- (11) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), dormers, the Dutch gable, balconies, eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

Reason: To ensure an appropriate standard of

PLANNING COMMITTEE MINUTES (Continued)

design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

- (12) the roofing material for the development shall be natural slate, a sample of which shall have been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (13) all window frames shall be constructed in timber, painted and not stained, and be of a sliding sash type set in reveals of 75mm from the face of the building. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (14) all rainwater goods for the development hereby permitted shall be metal. Reason: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (15) the dwellings hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. Reason: To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (16) the development shall be carried out only in full accordance with sample details of the bricks and slates which have been submitted to and approved in writing by the local planning authority. Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (17) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows, roof lights or openings (apart from any shown on the approved drawings) shall be formed in the rear or side facing elevations of Unit 7. Reason: To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (18) prior to the first occupation of each of the dwellings hereby permitted, the first occupiers of the dwelling shall be provided with a sustainable welcome pack to help promote sustainable travel in the local area in accordance with details that shall have been first agreed in writing by the local planning authority. Reason: In the interests of promoting sustainable travel, in accordance with Policy SC12 of the Warwick District Local Plan 1996-2011;
- (19) no use of the development hereby permitted shall commence unless and until a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. Reason: To ensure that a pavement crossing is available for use when the development commences thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (20) the development shall not be occupied until an access for vehicles has been provided to the site not less than 5.0 in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. The provision of a 5.0 metre wide access will not make provision for utilities or service apparatus to be located the adjacent walls. These will impact further on the access reducing the available area width when two vehicle are turning into/out of the site. Reason: In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (21) the access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. Reason: In the interests of vehicular safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (22) within one month of completion of the development all parts of the existing access within the public highway not included in the permitted means of access shall be closed and the kerb and footway shall be reinstated in accordance with the standard specification of the Highway Authority. Reason: In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (23) before the access is first used a turning facility within the site enabling vehicles to enter and leave in a forward gear shall be provided in accordance with the approved drawings. At all times thereafter the turning facility shall be kept free of obstruction and available for its intended use. Reason: In the interests of vehicular and pedestrian safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

11. W14/0473 – 78 Montague Road, Warwick

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

The application was presented to the Committee because objections had been received from Warwick Town Council and a Ward Councillor.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
The emerging Warwick District Local Plan 2011 – 2029.

PLANNING COMMITTEE MINUTES (Continued)

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

Councillor Williams addressed the Committee as Ward Member in opposition to the application. He asked the Committee to consider deferring a decision on the application until they had conducted a site visit and referred them to the plans which he stated were not correct in respect of parking.

A proposal to grant permission did not receive a seconder.

Following consideration of the report, and presentation, and the representation made at the meeting, the Committee agreed that a site visit was necessary and voted to delay decision on this application until a site visit had taken place.

Resolved that W14/0473 be **deferred** pending a site visit.

(Councillor Williams sat with the public speakers for this item)

12. W14/0084 – Post Office Cottage, Hatton Green, Hatton

The Committee considered an application from Mr and Mrs Langton for the construction of a traditional brick built garage building to replace the original concrete panel garage and the removal of the existing unauthorised timber clad garage building.

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

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework
The emerging Warwick District Local Plan 2011 - 2029.

It was the officer's opinion that it was considered that the proposed detached garage was acceptable in terms of its character and appearance within the street scene and the Green Belt and did not significantly impact on the amenities of surrounding neighbours such as would support a reason for refusal.

Councillor Letocq addressed the Committee on behalf of the Parish Council against the application, followed by Mr Bishopton who spoke in support of the application.

PLANNING COMMITTEE MINUTES (Continued)

The Chairman informed Members that Warwickshire County Council Highways Department had lodged an objection but in view of the historical use, the District Council could not support their position as it would be unreasonable. Planning officers confirmed that a condition to impose a drop-down kerb could not be imposed.

Following consideration of the report, and presentation, and the representations made at the meeting, the Committee agreed that the application should be granted.

Resolved that W14/0084 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) 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;
- (3) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings 1911/02C, 1191/03B, and specification contained therein, submitted on 12th May, 2014. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. Reason: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011; and

- (5) the development shall be carried out only in full accordance with sample details of the bricks and roof tiles which have been submitted to and approved in writing by the local planning authority. Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011.

13. W14/0533 – 16 Arlington Avenue, Royal Leamington Spa

The Committee considered an application from Binswood Mansions Trust for the demolition of a house and garages, construction of six flats with ancillary site management office and new garaging; widening of existing access and provision of additional parking spaces, and siting of 26 solar panels on the new building and on existing garage roofs.

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

The officer considered the following policies to be relevant:

The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
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)
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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (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)
Open Space (Supplementary Planning Document - June 2009)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Vehicle Parking Standards (Supplementary Planning Document)
National Planning Policy Framework
The emerging Warwick District Local Plan 2011 – 2029.

PLANNING COMMITTEE MINUTES (Continued)

An addendum circulated at the meeting informed the Committee of three further objections including one from the Town Council.

It was the officer's opinion that the development was considered to be appropriate for this location and would preserve the character and appearance of the Conservation Area. Furthermore, the proposals would not harm the living conditions of neighbouring dwellings and would be acceptable in terms of car parking and highway safety. Therefore it was recommended that planning permission was granted.

Councillor Gifford addressed the Committee on behalf of the Town Council against the application, followed by two other objectors, Mrs Salter and Mr Mayes. Mr Greenwood spoke in support of the application. He informed the Committee that the height stated as 11 metres on the plans was incorrect and Planning Officers confirmed that the height was 9.5 metres.

Members felt that the plans were not significantly different to a previous set that had been considered and the flats were much too large and that they failed the objective of building high quality flats, therefore were contrary to policy DP1.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed that the application should be refused.

Resolved that W14/0533 be **refused** because it is contrary to policy DP1.

(The meeting was adjourned at 8.20pm for 15 minutes)

14. W14/0537 – Crackley Hall School, Coventry Road, Kenilworth

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

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

The officer considered the following policies to be relevant:

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

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

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

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

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

DAP10 - Control of Advertisement Hoardings (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)

Draft Local Plan 2014

An addendum circulated at the meeting provided details of further representations that had been received.

PLANNING COMMITTEE MINUTES (Continued)

It was the officer's opinion that the proposed new access achieved the Highway Authority's visibility splays, and considered the proposal to be an improvement which would alleviate concerns expressed previously regarding dropping off and picking up times. Subject to an amended layout plan for the car park being submitted the proposals were acceptable and in accordance with Policy DP6 & DP7 of the Warwick District Local Plan 1996-2011.

Mr Davison addressed the Committee in objection to the application and Mr Pugh addressed the Committee in support.

The Council's solicitor advised the Committee on the distinction between what was a Planning matter and what was a Licensing matter.

As the Committee discussed the issues surrounding the problems with traffic, Mr Pugh was asked for further details on the off-street parking provision and Mr Davison was allowed a right of reply.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed that a site visit was necessary before a decision could be reached.

Resolved that W14/0537 be **deferred** pending a site visit.

15. W14/0416– Abbotsford School, Bridge Street, Kenilworth

The Committee considered an application Newbury Land (Developments) Limited for the demolition of part of the rear wing of the existing main building, change of use of the existing two storey building to a single dwelling house (use Class C3); change of use of the existing rear outbuilding to two no. dwelling houses (Use Class C3) and the erection of six no. dwelling houses (use Class C3) and associated landscaping.

The application was presented to the Committee because an objection from Kenilworth Town Council had been received and also Ward Councillors Mrs Blacklock and Coker had requested that the application be presented to the Committee.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

Open Space (Supplementary Planning Document - June 2009)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)

The emerging Warwick District Local Plan 2011 – 2029.

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

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

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

An addendum circulated at the meeting informed the Committee of further objections and comments that had been received.

The officer's report advised that Abbotsford House had been left vacant for a number of years, this was a Grade II* Listed Building whose retention was required. It was the officer's opinion that the proposed conversion of the former Abbotsford School back to a single dwelling would bring the vacant building back into viable use and was considered acceptable in principle. There had been a number of unsympathetic utilitarian extensions added over the years by the school, the demolition of these modern additions to the rear would benefit the Grade II* Listed house. The design and density of the proposed new dwellings had been subject to extensive negotiations between the applicant, officers and English Heritage. The design of the buildings had been led by English Heritage who wished to see a modern style to the new dwellings. This was a site that had many constraints and collaboratively everyone had worked together to bring the site back into use.

The proposals did not have an impact on the amenity levels of adjacent residents, the buildings were sited in accordance with the adopted separation SPD, the garden area for the main house had been increased and the trees were to be retained. The proposal represented a joint approach to achieving a high quality, sensitive and comprehensive redevelopment scheme which sought the reinstatement of the main house back to a single dwelling. The proposals were considered wholly in accordance with the adopted Local Plan 1996 - 2011, the Draft Local Plan 2014- 2029 and the NPPF.

The Head of Development Services, Mrs Darke, explained that this application had been missed off the agenda by accident and was entirely the fault of her department. She explained that it had been agreed to submit the report subsequent to the release of the agenda because the oversight was purely an administrative error, undoubtedly caused because of the number of other applications that were on the agenda.

Councillor Illingworth addressed the Committee on behalf of the Town Council against the application, followed by Mrs Illingworth, who also objected to the application on behalf of the Kenilworth Society. Mr Pugh addressed the Committee in support of the application followed by the Ward Councillor, Mrs Blacklock who also spoke in objection to the application. She was at pains to point out that the level of objection to this

PLANNING COMMITTEE MINUTES (Continued)

application was unprecedented, with objections from the Town Council, CAF and three Ward Councillors.

Councillor MacKay proposed that a decision on this application be deferred pending further consultation with the people of Kenilworth and his proposal was seconded by Councillor Mrs Bromley. However, the Council's Solicitor explained that the Council had a duty to the applicant to make a decision if the proper statutory consultation had taken place unless there was another reason to defer.

Some Members questioned why English Heritage had left it late to respond. The Head of Development Services explained that the application had not been rushed through. English Heritage had been involved for a considerable time and their response just gave further clarification. Members were also informed that the number of dwellings proposed had been reduced at the request of the Town Council.

Some Members felt that further consultation with the people of Kenilworth was required but it was remarked that the application had come to the Committee in the normal timeframe with the full consultation period. The Head of Development Services also informed Members that there was sufficient parking provided for the new dwellings when concerns about this were raised. The Council's Solicitor also pointed out that in respect of further consultation with the people of Kenilworth, only a suggestion that more should take place could be made to the applicants.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee agreed that the application should be refused by reason of design and density, policy DP1. This decision was reached by a split vote of five votes all, with the Chairman using his casting vote against permission.

Resolved that W14/0416 be **refused** by reason of design and density, policy DP1.

16. W14/0417LB – Abbotsford School, Bridge Street, Kenilworth

This application was discussed at the same time as application W14/0416 and was for the demolition of part of the rear wing of the existing main building; change of use of the existing two storey building to a single dwelling house (Use Class C3) and associated internal works; change of use of the existing rear outbuilding to two no. dwelling houses and associated internal works (use Class C3); the erection of six no. dwelling houses (use Class C3) and associated landscaping.

The officer considered the following policies to be relevant:

The emerging Warwick District Local Plan 2011 – 2029.

National Planning Policy Framework

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

It was the officer's opinion that Abbotsford House had been left vacant for a number of years, this was a Grade II* Listed Building whose retention was required. The proposed conversion of the former Abbotsford School back to a single dwelling would bring the vacant building back into viable use and was considered acceptable in principle. There had been a number of unsympathetic utilitarian extensions added over the years by the school, the demolition of these modern additions to the rear would benefit the Grade II* Listed house. The design and density of the proposed new dwellings had been subject to extensive negotiations between the applicant, officers and English Heritage. The design of the buildings had been led by English Heritage who wished to see a modern style to the new dwellings. This was a site that has many constraints and collaboratively everyone had worked together to bring the site back into use. The proposal represented a joint approach to achieving a high quality, sensitive and comprehensive redevelopment scheme which saw the reinstatement of the main house back to a single dwelling. The proposals were considered wholly in accordance with the adopted Local Plan 1996 - 2011, the Draft Local Plan 2014- 2029 and the NPPF.

Resolved that W14/0416 be **refused** by reason of design and density, policy DP1.

17. W14/0237 – 57 Roseland Road, Kenilworth

The Committee considered an application from Mr Sidhu for amendments to approved extensions, i.e. the relocation of the front door and front glazing, the removal of the step to the party wall, an extension to the rear lower ground floor extension and an extension to the height of the rear lower ground floor extension.

The application was presented to the Committee because of a request from Kenilworth Town Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

Open Space (Supplementary Planning Document - June 2009)

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

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

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

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

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

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

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Vehicle Parking Standards (Supplementary Planning Document)

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

Sustainable Buildings (Supplementary Planning Document - December 2008)

PLANNING COMMITTEE MINUTES (Continued)

The emerging Warwick District Local Plan 2011 – 2029.

It was the 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 parking or amenity which would justify a refusal of permission.

Resolved that W14/0237 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (1550-07H submitted on 8 May 2014. 1550-07D submitted on 8 May 2014), and specification contained therein.
Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (2) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details.
The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.
Reason: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and
- (3) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
 - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
 - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

PLANNING COMMITTEE MINUTES (Continued)

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

18. W14/0413 – 2 Greenhill Road, Whitnash, Royal Leamington Spa

The Committee considered an application from Mr Randhawa for the demolition of the existing garage and utility room and the erection of a two storey side extension, including a new garage.

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

The officer considered the following policies to be relevant:

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

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

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

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)
National Planning Policy Framework.

The emerging Warwick District Local Plan 2011 - 2029.

It was the 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 to the extent that planning permission should be refused.

Resolved that W14/0413 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings GL-014-001-002, GL-014-001-003, GL-014-001-004 and GL-014-001-005, and specification contained therein, submitted on 20th March 2014. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the

PLANNING COMMITTEE MINUTES (Continued)

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

- (4) prior to the occupation of the development hereby permitted, the first floor master bedroom window in the north elevation and the first floor master bedroom en suite window in the east elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

19. W14/0398 – Sandall House Farm, Narrow Lane, Lowsonford, Solihull

The Committee considered an application from Ms Saber for the construction of a manege.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

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

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

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

The emerging Warwick District Local Plan 2011 - 2029.

It was the officer's opinion that the revised proposal was considered to comprise appropriate development within the Green Belt and was considered to be acceptable in terms of any effect on the character and openness of the countryside and Green Belt. There were no material flooding or ecological issues sufficient to justify the refusal of planning permission and it was considered that the proposals were in accordance with the policies.

Resolved that W14/0398 be **granted** subject to the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 5407 -207 Rev B; 5407-110 Rev E and 5407-110 Rev G, and specification contained therein, submitted on 20th March 2014. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

20. W14/0005 – Bury Lodge, Offchurch Bury, Offchurch Lane, Offchurch, Royal Leamington Spa

The Committee considered an application from Mr Johnson for the closure of existing access and construction of a new access road to serve Bury Lodge and the adjacent land.

The application was presented to the Committee because an objection had been received from Eathorpe, Hunningham, Offchurch and Wappenbury Joint Parish Council.

The officer considered the following policies to be relevant:

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

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

National Planning Policy Framework

The Head of Development Services read out comments received subsequent to publishing the addendum and these were in favour of the application because it was felt the proposals would help with road safety.

It was the officer's opinion that the proposed new access would improve the existing access and therefore would be an improvement to Highway Safety. The construction of an access track in this location close to the tree belt and constructed out of more suitable materials was not considered to be inappropriate development within the Green Belt.

It was confirmed to the Committee that no trees would be felled.

Resolved that W14/0005 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section

PLANNING COMMITTEE MINUTES (Continued)

91 of the Town and Country Planning Act 1990
(as amended);

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing P839/102 & P839/111 dated 3rd January 2014 and details contained within the Tree Planning Management report and subsequent root protection drawings 001 Rev C, 002 Rev A and 004 Rev A and specification contained therein, submitted on 3rd January 2014. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby approved shall not be used until an access for vehicles has been provided to the site not less than 5 metres in width for a distance of 7.5 metres as measured from the edge of the public highway carriageway. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby approved shall not be used until it has been surfaced with a suitable bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (5) the access hereby approved shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not be used until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distance of 101 metres in the southern direction and an 'x' distance of 2.4 metres and a 'y' distance of 120 metres in the northern direction to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays

PLANNING COMMITTEE MINUTES (Continued)

exceeding, or likely to exceed at maturity, a height of 0.9 metres above the level of the public highway. Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (7) the means of vehicular and pedestrian access hereby permitted shall be from the position identified on approved drawing No. P839/102 only. All other vehicular and pedestrian access to the development shall be stopped up within one month of the first use of the new access in strict accordance with details to be submitted to and approved in writing by the local planning authority. Reason: In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (8) notwithstanding the details of the surface materials contained within the application form, sample details of an alternative surface material for the access track is required to be submitted to and approved in writing by the local planning authority. Reason: The site is located within the Green Belt where development within the Green Belt is required to have unacceptable impact on the openness of the Green Belt in accordance with the aims and objectives of the NPPF 2012.

21. W03/1254 – 5 Hawkes Hill Close, New Road, Norton Lindsay

The Chairman announced that there was a change in recommendation before officers introduced this application.

The Committee considered a non-compliance matter involving a unilateral undertaking requiring the provision of three low cost homes for sale. Planning Application W03/1254, granted on appeal, had given consent for the erection of 11 residential properties subject to a unilateral undertaking requiring three specified units to be provided for low cost housing for sale.

The current owner, not named in the report, had requested to be released from the obligations included within the unilateral undertaking and it was for this reason that the matter had been referred to the Planning Committee for decision.

The Development Manager explained that the advice received from the Housing Officer was that the S106 agreement was of little value to providing low cost housing to those in need because it did not restrict future purchases to those on low income or those with local connections. The report had therefore recommended that Members release the current and any future owner/occupier of 5 Hawkes Hill Close from the requirements of the unilateral undertaking.

PLANNING COMMITTEE MINUTES (Continued)

However, it was understood that the Housing Register was a system for people who might not be able to afford to purchase properties and it was that advice that led to the original recommendation to agree a S106 agreement. Subsequently, officers had reviewed the key issues in respect of this case. Officers recognised that whilst the retention of the S106 agreement might not be ideal in terms of the provision of affordable housing, it would still result in the offering of properties to the market at a lower price than might otherwise be the case, and this could be seen as a clear benefit of the S106 agreement.

For that reason, officers had carefully considered the situation and felt that it was appropriate to revise the recommendation. The revised recommendation was that Members did not agree to the removal of the S106 requirements in relation to this property.

Members confirmed that the recommendation from officers had changed from that given in the report and the Chairman clarified categorically that the recommendation had changed since the report had been written.

Resolved that the current or any future owner/occupier of 5 Hawkes Hill Close, New Road, Norton Lindsay is not released from the requirements of the unilateral undertaking.

22. W14/0370 – 31 Sheres Dyche, WARWICK

The Committee considered an application from Mr Lee for the erection of a two storey side extension, erection of a single storey front extension to create an entrance porch and the erection of an extension to the existing detached garage to form a home office.

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

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Distance Separation (Supplementary Planning Guidance)
National Planning Policy Framework
The emerging Warwick District Local Plan 2011 - 2029.

An addendum circulated at the meeting informed the Committee that Councillor Mrs Higgins had expressed support for the application.

It was the 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.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation including sight of the paper plans and addendum, the Committee agreed that the application should be granted.

Resolved that W14/0370 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings ACL 1331-02A and ACL 1331-04, and specification contained therein, submitted on 2nd April 2014 and 14th March 2014 respectively. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first 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.

PLANNING COMMITTEE MINUTES (Continued)

23. W14/0487 – Mid Warwickshire Crematorium, Newbold Road, Bishops's Tachbrook, Royal Leamington Spa

The Committee considered an application Warwick District Council for the erection of a single storey extension to the North Chapel and waiting room, construction of a new car park and extension to the existing car park.

The application was presented to the Committee because the applicant was Warwick District Council.

The officer considered the following policies to be relevant:

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

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

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

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

Sustainable Buildings (Supplementary Planning Document - December 2008)

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

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

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

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

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

National Planning Policy Framework

Vehicle Parking Standards (Supplementary Planning Document)

Vehicle Parking Standards (Supplementary Planning Document)

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

The emerging Warwick District Local Plan 2011 - 2029.

It was the officer's opinion that the application proposed a modest extension on an existing building and the additional car parking was proposed to meet the existing demand within the site. Whilst there would be some net loss to biodiversity, it was considered that the conditions proposed would ensure that an appropriate enhanced level of biodiversity would be provided across the wider site.

Following consideration of the report, and presentation, the Committee agreed that the application should be granted.

Resolved that W14/0487 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

PLANNING COMMITTEE MINUTES (Continued)

approved drawings 13521cv-01; 11770cv -01; 11770cv-02; MB30049-D121, 3030-11; 3030-20 Rev A; MB30049-D102 Rev A; MB30049-D101 Rev C and specification contained therein, submitted on 4th April 2014. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) a detailed Woodland Management Plan for Oakley Wood Crematorium and landscaping scheme shall be submitted and agreed in writing within 6 months of the approval being granted. The scheme must include all aspects, including details of any habitat creation or enhancement, species to be planted, timing of works, programme of implementation and monitoring if deemed necessary. The scheme shall thereafter be carried out in accordance with the approved details. Reason: To protect/enhance the ecological character of the are in accordance with NPPF, and ODPM Circular 2005/06;
 - (4) the development hereby permitted shall not commence unless and until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared and check bird boxes to be relocated on site for evidence of nesting birds and bats immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March - September inclusive) or until after the young have fledged, as advised by ecologist. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice Reason: To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011; and
 - (5) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in
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PLANNING COMMITTEE MINUTES (Continued)

Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). Reason: To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.

24. ACT 012/14 – 140-142 Parade (Bill's)

The Committee considered a report recommending that appropriate enforcement action by way of the service of a Discontinuance Notice directed at the removal of the illuminated sign with a compliance period of seven days from the effective date of the Notice be authorised.

The advertisement, by reason of its positioning inside the building did not require advertisement consent. However in scenarios where Local Planning Authorities considered such advertisements to result in either substantial injury to the amenity of the locality or in danger to members of the public, the advertisement regulations enabled action to be taken to seek to remedy that harmed through the issue of a Discontinuance Notice.

It was the officer's opinion that on this part of Parade, advertisement on surrounding retail units comprised traditional non-illuminated fascia signs in order to preserve and enhance the simple regency character of this part of the Conservation Area and the character and setting of the numerous surrounding listed buildings.

For that reason, it was considered to be detrimental to the character and appearance of the Conservation Area in which it was located and to the visual amenities of the surrounding area such that it was expedient for enforcement action to be taken.

Within the context, the advertisement in question was of a significantly different size and character which in addition by reason of its intensity of illumination was considered to inevitably result in substantial injury to the

PLANNING COMMITTEE MINUTES (Continued)

amenity of this sensitive location to the extent that it was considered expedient to serve a discontinuance notice.

Following consideration of the report and presentation, the Committee was of the opinion that enforcement action should be authorised as per the officer's recommendation.

Resolved that appropriate enforcement action ACT 012/14 be **authorised** by way of the service of a Discontinuance Notice directed at the removal of the illuminated sign with a compliance period of seven days from the effective date of the Notice.

(The meeting ended at 10.25 pm)

Planning Committee

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

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

Apologies for absence were received from Councillors Rhead and Weber.

25. **Substitutes**

Councillor Barrott substituted for Councillor Weber.

26. **Declarations of Interest**

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

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

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

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

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

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

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

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

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

Minute Number 39 – W14/037 - 19 Dugard Place, Barford, Warwick

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

27. Site Visits

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

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

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

Councillor Williams completed his own site visits on Monday evening.

28. Minutes

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

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

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

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

The officer considered the following policies to be relevant:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)

SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

RAP10 - Safeguarding Rural Roads (Warwick District Local Plan 1996 - 2011)

National Planning Policy Framework

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Open Space (Supplementary Planning Document - June 2009)

Vehicle Parking Standards (Supplementary Planning Document)

Warwickshire Landscape Guidelines SPG

Sustainable Buildings (Supplementary Planning Document - December 2008)

Affordable Housing (Supplementary Planning Document - January 2008)

Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

The following people addressed the Committee:

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

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

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

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

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

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

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

June 2014. H6735:06 Rev.C, H6735-05 Rev.B, H6735:05-1 Rev.B, H6735:101 Rev.E submitted on 17 June 2014), and specification contained therein. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

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

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

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

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

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

32. W14/0473 – 78 Montague Road, Warwick

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

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

The officer considered the following policies to be relevant:

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

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

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

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

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

Sustainable Buildings (Supplementary Planning Document - December 2008)

National Planning Policy Framework

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

The following people addressed the Committee:

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

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

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

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

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

Resolved that W14/0473 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
 - (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 003K, 004L, and specification contained therein, submitted on 2nd April, 2014. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1
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and DP2 of the Warwick District Local Plan 1996-2011;

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. Reason: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (5) future permitted development rights will be removed to avoid any further expansion of the site; and
- (6) the installation of hardstanding will not be permitted along the side of the property to avoid further loss of green space.

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

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

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

The officer considered the following policies to be relevant:

DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

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

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

Resolved that W14/0537 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 713D-A3-0501 & 0713D-A1-011 , and specification contained therein, submitted on 14th April 2014, except as required by other conditions below. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall commence on the site unless and until details of the car parking layout have been submitted to and approved in writing by the local planning authority. Reason: In the interests of vehicular and pedestrian safety in accordance with Policy
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DP6 of the Warwick District Local Plan 1996-2011;

- (4) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). Reason: To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011; and
- (5) the Playground use for the land contained by the red boundary line on Drawing 0713D-A1-011 (dated 10/04/14) shall be restricted to 09:00 – 18:00, Monday to Friday. For any other school function, the hours of the use for the land shown on drawing 0713D-A1-011 (dated 10/04/14) shall be restricted to 07:30 – 22:30, Monday to Sunday'. Reason: To ensure that the site is not used at times which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
The emerging Warwick District Local Plan 2011- -2029 particularly policies
BE1: Layout and Design; BE3: Amenity and HE2: protection of
Conservation Areas.

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

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

The following people addressed the Committee:

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

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

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

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

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

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

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

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

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

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

Resolved that W14/0469 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (DRWG.No. 01 submitted on 31 March 2014. PJF/kjh/PF9004 submitted
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on 9 June 2014), and specification contained therein. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) and hedges on the site, or those tree(s) and hedges whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected hedge or tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). Reason: To protect those hedges and trees which are of significant amenity and ecological value to the area in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011; and
- (4) within three calendar months of the erection of the stables hereby permitted, all other existing buildings, structures and containers on the land contained within the blue lined area on drawing reference PJF/ejf/PF/9004 received on 30 April 2014 shall be removed in their entirety. Reason: Since the uses contained within the proposed building are only considered acceptable in connection with the current use of the land for the grazing of horses, but not in addition to the uses
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contained within existing structures on the wider site. The proposed building would also rationalise development on the site to one less visually intrusive area, in the interests of openness and visual amenity of the rural area, and the NPPF.

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

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

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

The officer considered the following policies to be relevant:

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Affordable Housing (Supplementary Planning Document - January 2008)

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

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

DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)

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

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

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

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

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

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

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

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

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

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

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

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

Sustainable Buildings (Supplementary Planning Document - December 2008)

Vehicle Parking Standards (Supplementary Planning Document)

Open Space (Supplementary Planning Document - June 2009)

PLANNING COMMITTEE MINUTES (Continued)

National Planning Policy Framework

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

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

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

Resolved that W14/0648 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 821-07 & 821-08, and specification contained therein, submitted on 2 May 2014, except as required by condition 5. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be occupied unless or until a Traffic Regulation Order has been made by the Highway Authority to remove the application property from the existing Traffic Regulation Order thereby securing the removal of the rights of the applicant or future owners or tenants of the application property to apply for residents parking permits. Reason: To ensure the proposed development does not result in an increase in on-street parking pressure in an area with already high demand to the detriment of highway safety and residential

PLANNING COMMITTEE MINUTES (Continued)

amenity in accordance with Policies DP8, DP2 and the Vehicle Parking Standards SPD of the Warwick District Local Plan 1996-2011;

- (4) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

approved cycle parking facilities have been provided and made available for use in accordance with the approved details and thereafter those facilities shall remain available for use at all times. Reason: In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies SC4 & DP8 of the Warwick District Local Plan 1996-2011;

- (7) all window and door frames shall be constructed in timber and shall be painted and not stained. Reason: To ensure a high standard of design and appearance for this Listed Building and conservation area and to satisfy Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011;
- (8) in relation to blocking existing windows or making good any sections where new apertures are created, no facing materials shall be used other than materials similar in appearance to those used in the construction of the exterior of the existing building. Reason: To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies DP1 and DAP4 of the Warwick District Local Plan 1996-2011;
- (9) the development hereby permitted shall not be occupied unless and until the approved bin store facilities have been provided and made available for use in accordance with the details on drawing number(s) 821-05A, as approved under planning permission no. W14/0120 (or in any subsequently approved amendments), and thereafter those facilities shall remain available for use at all times. Reason: To ensure adequate facilities to serve the development in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011; and
- (10) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building to be affected. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are

PLANNING COMMITTEE MINUTES (Continued)

found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. Reason: To ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan.

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

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

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

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

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

The officer considered the following policies to be relevant:

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

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

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

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

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

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

National Planning Policy Framework

PLANNING COMMITTEE MINUTES (Continued)

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

It was the officer's opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Therefore it was recommended that planning permission be granted for the removal and variation of these conditions.

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

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

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

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

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

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

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

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

The officer considered the following policies to be relevant:

Distance Separation (Supplementary Planning Guidance)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework
The 45 Degree Guideline (Supplementary Planning Guidance)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
The emerging Warwick District Local Plan 2011- -2029 particularly policies BE1: Layout and Design and BE3: Amenity.

PLANNING COMMITTEE MINUTES (Continued)

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

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

Resolved that W14/0582 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawings, and specification contained therein, submitted on 28th May, 2014. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. Reason: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and
- (5) prior to the occupation of the development

PLANNING COMMITTEE MINUTES (Continued)

hereby permitted, the first floor window in the west elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. Reason: To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

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

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

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

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

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

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

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

Sustainable Buildings (Supplementary Planning Document - December 2008)

Vehicle Parking Standards (Supplementary Planning Document)

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

Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance)

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

Resolved that W14/0371 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawing 002A, and specification contained therein, submitted on 14th May 2014. Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

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

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

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

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)

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Distance Separation (Supplementary Planning Guidance)
Sustainable Buildings (Supplementary Planning Document - December 2008)

National Planning Policy Framework

The emerging Warwick District Local Plan 2011- -2029 particularly policies BE1: Layout and Design; BE3: Amenity; DS19: Green Belt and H14: Extensions to dwellings in the open countryside.

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

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

Resolved that W14/0590 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings G100; G101; G102; G103 and G104 and specification contained therein, submitted on 23rd April 2014 Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. Reason: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first

PLANNING COMMITTEE MINUTES (Continued)

occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. Reason: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

41. Appeals Update

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

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

Resolved that the report be noted.

42. Enforcement Update

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

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

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

Resolved that the report be noted.

(The meeting ended at 9.17 pm)

Planning Committee: 24 June 2014

Item Number: 5

Application No: W 14 / 0775

Town/Parish Council: Whitnash

Case Officer: Robert Mason

01926 456521 robert.mason@warwickdc.gov.uk

Registration Date: 15/05/14

Expiry Date: 14/08/14

Land to the south of, Fieldgate Lane, Whitnash, CV31 2QJ

Application for the approval of reserved matters of appearance, landscaping, layout and scale of the development of 111 dwellings with details of public open space and associated infrastructure (Outline ref: W/13/0858) FOR Bovis Homes Limited

This application is being presented to Committee due to an objection from Whitnash Town Council having been received.

RECOMMENDATION

Planning Committee is recommended to GRANT the reserved matters application, subject to conditions.

DETAILS OF THE DEVELOPMENT

This application is for 111 houses and flats, consisting of 67 market houses and 44 affordable dwellings. Details are provided of the house and flat types, garage types, and boundary fences, together with areas of open space, parking spaces, and the layout of estate roads and turning areas. Landscaping and Drainage Plans have also been submitted.

Parts of the site are reserved for open space, including land adjacent to the southern boundary for a play area, land along the eastern boundary which would also provide a noise buffer from the railway line, and an area in the north east corner which would have a surface water balancing pond. External finishes would be in a variety of brick, render and tiles.

This Reserved Matters application is accompanied by a Design and Access Statement, a Statement on Housing Mix, and relevant drawings.

A legal opinion sought under the previous application confirmed that although this application includes more houses than was envisaged on the indicative plan at the outline stage (94 dwellings), it should be still be regarded as a reserved matters application.

The Design and Access Statement submitted with the application describes how the development contains a hierarchy of roads and pathways designed using a variation

in width and materials to encourage low speeds, has a comprehensively designed landscaping scheme, with public open space placed for ease of use, dwellings that will follow a scale that is in keeping with the adjacent landscape, and a wide range of house types which will create a broad based community and will allow families to move within the scheme as needs and aspirations change with time.

The applicant has made a number of amendments in response to objections, including:

- An amended Transport Assessment which predicts the level of additional traffic generation on nearby roads
- 4 Plots have been moved back from the North West corner of the site and there would be additional planting along the western boundary of the site with Golf Lane to address the objections raised by the golf club in response to the previously withdrawn reserved matters application.
- All houses along the boundary with the railway line have gable ends aligned towards the railway and their internal layouts adjusted to mitigate against noise objections
- A footpath would be provided through the open space/noise buffer area to the east near the railway embankment
- A footpath link/emergency access would be provided to Fieldgate Lane from the North West corner of the site
- The substitution of house types to provide generally smaller private houses without offices upstairs which could be used as bedrooms
- All house types to have two storeys and a ridge height of less than 9 metres to comply with Condition 22 of the Outline Planning Permission.
- The inclusion of feature windows, brick architectural features on certain gable ends to avoid prominent blank side walls and chimneys on prominent houses to provide more identity to the roofscape
- Parking spaces and garages have been moved away from the open space/buffer area along the eastern boundary
- An electrical substation adjacent to the proposed footpath link to Fieldgate Lane is now no longer required.
- Numerous amendments to the siting of individual houses to avoid privacy and daylight infringements between the windows of habitable rooms
- Boundary fencing to include lattice work on top to improve security

The applicant is also offering to provide screen planting to a neighbour living on Fieldgate Lane opposite the vehicular access of the site. However this is outside the scope of this application.

Market Housing

HOUSE/FLAT/ BUNGALOW	BEDROOMS	TOTAL	PROPOSED %	WDC RECOMMEND %	DIFFERENCE
Flat	1	0		7	-7%
House	2	7	10	26	-16%
House	3	30	45	43	+2%

House	4 & 5	30	45	24	+21%
TOTAL		67	100	100	

Affordable Housing

HOUSE/FLAT/BUNGALOW	BEDROOMS	TOTAL
Flat	1	8
House	2	22
Bungalow	2	1
House	3	12
House	4	1
TOTAL		44

THE SITE AND ITS LOCATION

The application site consists of 9.77 acres of grassland south of the residential area north of Fieldgate Lane. To the east, the Chiltern Railway line runs on an embankment with open countryside beyond, to the west is Golf Lane, which at this point is a narrow track/bridleway with the Leamington and County Golf Club beyond, and to the south is essentially open countryside with some large residential properties.

The site's ground levels rise in a southerly direction towards a large residential property adjoining the southern boundary. There are trees and some sections of hedgerow along the northern and western boundaries. There is also a hedge and some Poplar trees on the western side of Golf Lane.

PLANNING HISTORY

W/13/0858 - Outline planning permission granted subject to s.106 agreement. Access details were approved with an entrance from Fieldgate Lane. The indicative plan showed 94 houses in the draft layout.

W/14/0142 - A separate application was submitted for the Variation of Condition 7 of the Outline Permission regarding sustainable energy provision, but this was refused.

W/14/0216 - Reserved matters application for 111 houses and flats, consisting of 67 market houses and 44 affordable dwellings - Withdrawn.

W/14/0922 - Planning application submitted by Leamington and County Golf Club for the erection of 30 metre high golf netting along part of its eastern boundary with Golf Lane.

RELEVANT POLICIES

- Warwick District Local Plan 2011-2029 Publication Draft - published April 2014.
Relevant policies: DS2, DS3, DS5, DS6, DS7, DS10, DS11, HO, H1, H2, H4, SC0, BE1, BE2, BE3, TR1, TR2, TR3, TR4, HS1, HS4, HS5, HS6, HS7, CC1, CC2, CC3, FW2, FW3, FW4, HE1, HE6, NE2, NE3, NE4, NE5, W1, DM1.
- National Planning Policy Framework
- Affordable Housing (Supplementary Planning Document - January 2008)
- Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Whitnash Town Council - Objections raised are in connection with proposed housing mix, the increase in numbers from 94 at the outline stage to 111 with this application, the siting of 3 storey dwellings on high ground, the proposed density, highway safety regarding the junction of Fieldgate Lane and Golf Lane, lack of infrastructure e.g. schools, medical etc.

Police Crime Prevention Design Advisor - The developer has taken account of my recommendations, and therefore there are no objections.

WCC Ecology - Comments remain the same as before i.e. the developer must comply with the relevant conditions on the Outline Permission.

Council Drainage Officer - No objection

The Highway Officer has made the following comments: Following the submission of the application, WCC informed WDC and the applicant that the supporting information for the outline application considered 100 dwellings. Therefore, further analysis was required to demonstrate that the impact of the additional proposed units could be safely accommodated on the local highway network. Whilst the initial layout was not acceptable, alterations have now been made and accepted by WCC. The impact of the additional dwellings has been demonstrated to be acceptable. Any additional queuing that could occur is considered to be minimal and not detrimental to highway safety or capacity. Therefore, having considered the proposed development, the response of WCC as Local Highway Authority to the above application is one of NO OBJECTION, subject to standard conditions.

WDC Contract Services - Made detailed comments regarding waste collection requirements and confirmed that they have no objection to the scheme.

Housing Strategy - The current application has the same number and type of affordable units as the previous reserved matters application and is therefore acceptable in those respects. There have been some changes to their location on site but the revised layout continues to provide a reasonable degree of integration with the market housing and is acceptable. The new layout plan now includes details of the tenure of the units and while the totals (35 rented, 9 shared ownership) are acceptable there will need to be some minor changes:

- two of the two-bedroom houses need to be re-designated from rented to shared ownership;
- two of the three-bedroom houses need to be re-designated from shared ownership to rented.

Public Response - 6 objections received on the following grounds:

- Houses are not needed
- Increase in number of houses proposed from the Outline Permission
- Additional capacity at local surgeries/hospital places required
- Local schools are overcrowded and no reassessment with this application
- Loss of countryside
- The visibility of the site from the railway line and the impact on the wider rural landscape;
- The proposed footpath on to Fieldgate Lane and works in other places involves the removal of existing trees
- Surface water drainage and flood risk particularly due to blocked sewers in the field recently and additional houses proposed

- The vehicular access from Fieldgate Lane;
- Increased traffic on Golf Lane
- Loss of trees due to proposed footpaths
- Density of houses
- Two and a half storey houses
- Use of Renewable Energy instead of energy saving methods
- Problems caused by stray golf balls
- Forward visibility around junction of Golf Lane into Fieldgate Lane with proposed footpath emerging
- Traffic speeds on Golf Lane
- More bungalows needed in the area
- No allotments proposed
- Play area could cause loss of amenity to neighbours

Leamington and County Golf Club - Submitted a letter of objection with a risk assessment report which concludes that a 30 metre high net would be required along part of the 18th fairway in order to safeguard future residents from stray golf balls. It is noted that a planning application has been received for this netting. The Golf Club also state that golf balls have been found within the north west corner of the site and that the proposed Plots 52, 53, 54, 55 and 74 should be made safe from golf balls. The Developer has submitted an overlay of this area with the predicted number of golf balls shown in plan provided by the Golf Club's advisors.

Environmental Sustainability - No objection at this stage. Recommendations given.

Bishops Tachbrook Parish Council - No comment

Assessment

Policy Aspects

Housing Mix

Policy SC1 of the Warwick District Local Plan 1996-2011 requires residential development to make provision for a range of sizes and types of dwellings, and the Council has also published a supporting Policy Guidance document "Guidance on the Mix of Market Housing". The housing mix in the policy guidance reflects the findings of the Strategic Housing Market Assessment (SHMA) (March 2012) in terms of the future demand for housing. The document is consistent with the NPPF and was agreed by the Council's Executive on 19th June 2013. However, this document has not been through the formal development plan framework process and does not have the status of a supplementary planning document.

Although the proposed mix does not entirely accord with the guidance document, a greater proportion of smaller market houses are being proposed in comparison to the previous application which was withdrawn. It is considered that the difference

between the proposed mix and the mix specified in the guidance do not provide sufficient justification on this ground alone to outweigh the strong presumption in the NPPF in favour of residential development in areas where there is a housing land shortage.

Affordable Housing

40% of the total housing units will be affordable, and the type, size and mix of these units accords with policy requirements for social rent/affordable rent/shared ownership. The Housing Officer has confirmed that there is no objection on these issues. The management of the units is also covered by the existing Section 106 agreement with the Outline Permission.

The affordable units are nearly all located in the eastern part of the site. The applicant has indicated that this would assist in future estate management, and that the western part of the site is generally more suited to market houses reflecting the existing housing estate to the north.

Contributions

The indicative plan submitted with the outline application showed 94 houses, while the current detailed application proposes 111 houses. In terms of financial contributions, the outline application secured the following contributions on a per dwelling basis: GP surgery, highway, hospital, indoor sports facilities, outdoor sports facilities, school transport and sustainability packs and therefore the necessary contributions relating to the additional 17 dwellings will be secured in relation to these areas. The Section 106 agreement secured fixed sum contributions for the following areas: Education, footpath, off site parks, gardens and allotments and play area. It may be necessary for additional contributions to be made in relation to some of these areas which will need to be secured by way of a unilateral undertaking. The case officer is liaising with the relevant consultees, County Legal and the developers in this regard and further information on this will be presented in the additional observations report prior to the committee meeting.

Detailed Aspects

House Design

A wide variety of house types have been proposed, some with features such as single and double height bay windows or pitched roof dormers in traditional rural and post war suburban house styles. Those with prominent side walls would have feature windows and brick architectural features, and a number in more prominent positions would have chimneys. None of the smaller market house types would now have offices on the upper floor which could be used as a bedroom and hence actually be larger and less affordable. There would also be a variety of external finishes and samples would be requested for approval by way of a planning condition.

Layout - Privacy/Daylighting/Parking/Landscaping & relationship to Golf Course

The proposed layout provides affordable housing in two general groups within the site, and it is considered to be sufficiently integrated with the market housing. The general road layout and position of open space accords with the indicative layout provided at outline stage and meets the requirements of the Highway Authority.

The Council's Supplementary Planning Guidance - Distance Separation(2003) and referred to in the Adopted Local Plan set standards for the distance separation between the windows of habitable rooms in dwellings. In particular, the policy states that there should be 22 metres between two storey dwellings, although this standard is reduced when the distance is measured across public space or a road where there would be public activity. Whilst it is accepted that the eastern part of the proposed development would have a fairly high density, this area contains terraces of the smaller affordable dwellings required under the Outline Permission. Nevertheless, it is considered that the proposed scheme complies with the Council's standards in the Residential Design Guide regarding privacy and daylighting.

The amended plan shows a footpath link/emergency access to Fieldgate Lane from the northwest corner of the site, and another through the eastern open space/buffer area. There would be no footpath link to Golf Lane because it is a private track and in order to maintain better security for the houses adjoining the western boundary of the site. It is considered that these arrangements would be satisfactory, subject to attaching a condition requiring lockable barriers/bollards to prevent motorbike access on those footpaths.

The Highway Officer has raised no objections to the proposed development subject to conditions having regard to in particular traffic generation from the additional housing and the proposed car parking provision.

Details of the proposed landscaping around all the boundaries have been provided, including proposals to thicken existing trees/shrubs on the western boundary together with tree planting along the main spine road. Detailed comments are awaited from the Landscape Officer on this issue.

The applicant has amended the position of the plots on the corner of Fieldgate Lane and Golf Lane following discussions with the Golf Club in relation to their concerns about stray golf balls. The Golf Club's advisors have provided information on the impact of stray golf balls and this has now been mitigated significantly by the amended layout, even though it is arguable how much influence the planning process has on this issue. It is considered that this amended layout is acceptable and provides a good compromise.

It is considered that the proposed layout as amended during negotiations complies with Adopted Local Plan Policies DP2.

Impact on Resident's Amenity

The location of the contractors compound would be determined following the written agreement of the local planning authority. It is considered that the siting of the proposed play area would not be unduly detrimental to existing or future nearby residents. Accordingly, the application complies with Adopted Local Plan Policies DP2.

Noise from Railway

The houses on the east side of the site have been realigned so that the side gable ends face towards the railway line in order to reduce the noise impact from passing trains. The Environmental Health Officer has accepted these amendments to the layout provided the internal ventilation details are resolved under the discharge of Condition 12 of the Outline Permission. It is considered therefore this aspect complies with Adopted Local Plan Policy DP9.

Sustainable Buildings

A separate application was recently submitted and refused for the variation of condition 7 on the Outline Permission, to allow a 'fabric first' approach instead of the provision of renewable technologies. This issue is therefore being considered separately.

Public Open Space

It is considered that sufficient Public Open Space would be provided bearing in mind the amount indicated on the layout plan submitted with the Outline Application. No objection is raised to the location of the children play area although the play equipment should be commissioned by the Council.

Ecology

The Council's Ecologist has raised no objection to the proposed development provided the 6 relevant conditions on the Outline Permission are fully discharged.

Drainage

Severn Trent Water has raised no objection to the proposed development in principle, subject to a condition being attached to the permission. No response has yet been received from the Council's Drainage Officer.

Summary/Conclusion

The proposed development is considered to provide an appropriate level of affordable housing, an acceptable mix of market housing, good house and layout design including public open space and therefore complies with the policies listed.

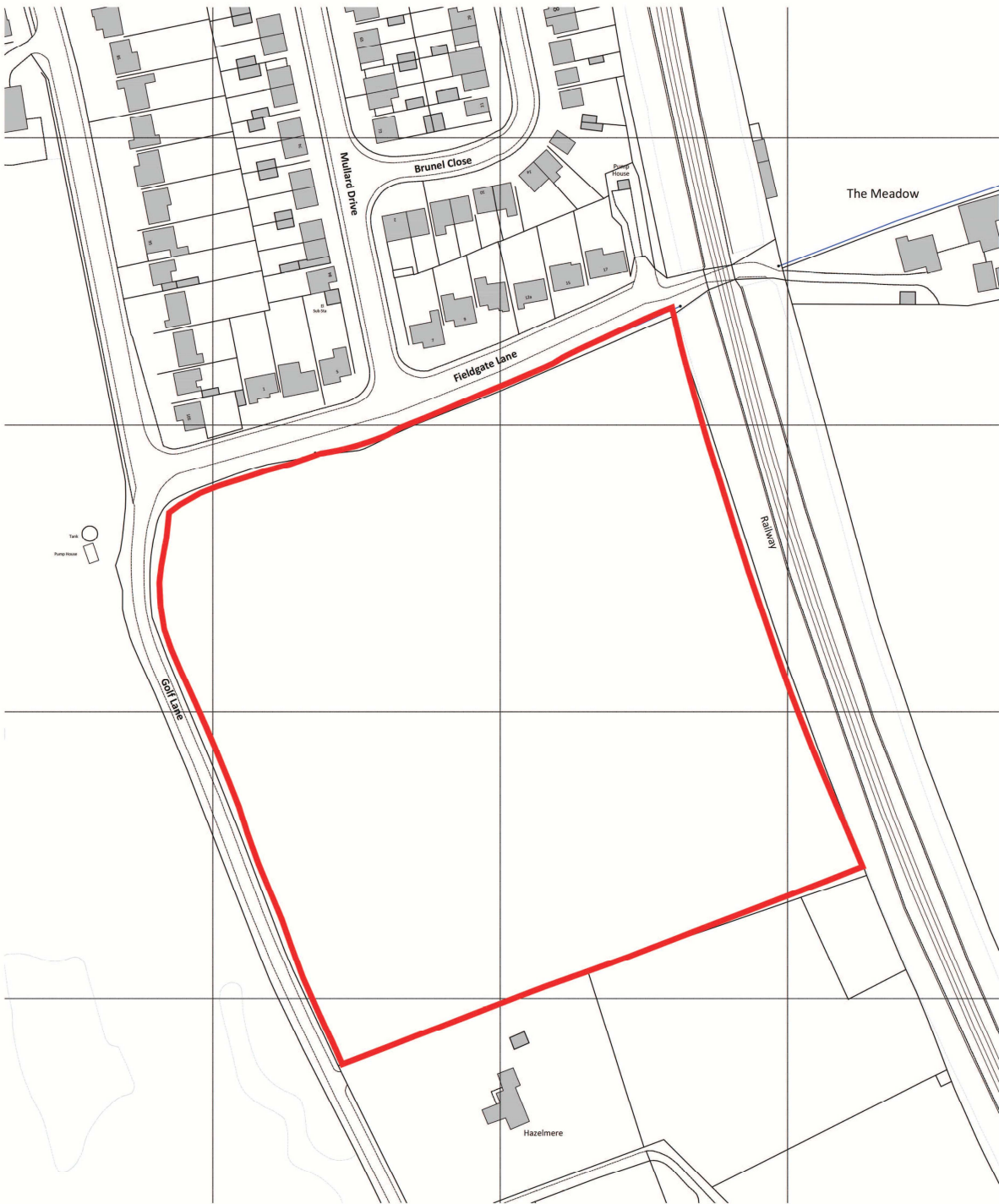
CONDITIONS

- 1 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings Design Statement, WHIT/02/0700B, WHIT/02/600,WHIT/02/500,WHIT/02/300,LEAM/02/200 C,SF05 HT LINDSEY 01,C2.2 HT BARFORD 01,S241 HT RADFORD 01,S351 HT CUBBINGTON 01, S461 HT BUDBROOKE 01,PC425 HT HARBURY 02 REV A, P404 HT CANTERBURY 02REV A, P502 HT ARUNDEL 01, P502 HT ARUNDEL 02 REV A, P507 HT ASCOT 01, P507 HT ASCOT 02 REV A, P404vt HT CANTERBURY 01 REV A,P306 HT EPSOM 01, P306 HT EPSOM 02,PC425 HT HARBURY 01 REV A, PMARS HT MAR 01, P2301 HT OAKLEY 01 REV A, P303 HT SHE 01 REV A, P303 HT SHE 02 REV A, P303 HT SHE 03 REV A, P303 HT SHE 04 REV A, P506 HT WINCHESTER 01, P506 HT WINCHESTER 02 REV A< ,and specification contained therein, submitted on 15/5/14. **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.
- 2 The existing hedges indicated on the approved plans to be retained shall not be cut down, grubbed out or otherwise removed or topped or lopped so that the height of the hedges fall below 5 metres at any point without the written consent of the local planning authority. Any hedge removed without consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced within the next planting season with hedging, trees and/or shrubs of such size and species details of which must be submitted to and approved by the local planning authority. All hedging, trees and shrubs shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). **REASON:** To protect that hedging which is of significant amenity value to the area in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 3 Prior to the commencement of development on site sample details of the proposed brick and tiles shall be submitted to and approved in writing by the local planning authority, and the development shall be carried out only in full accordance with the approved sample details**REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District

Local Plan 1996-2011.

- 4 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.
 - 5 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON :** To ensure that adequate parking facilities are provided and retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
 - 6 The development shall not be commenced until space has been provided within the site for the parking, loading and unloading of construction traffic. The detailed location of the contractor's compound shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. This space shall then be kept clear at all times for this purpose. 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:** To safeguard residential amenity and highway safety in accordance with Adopted Local Plan Policies D6 and D9 and the National Planning Policy Framework.
-

Proposed residential development at land off Fieldgate Lane Whitnash.
For Richborough Estates Ltd.

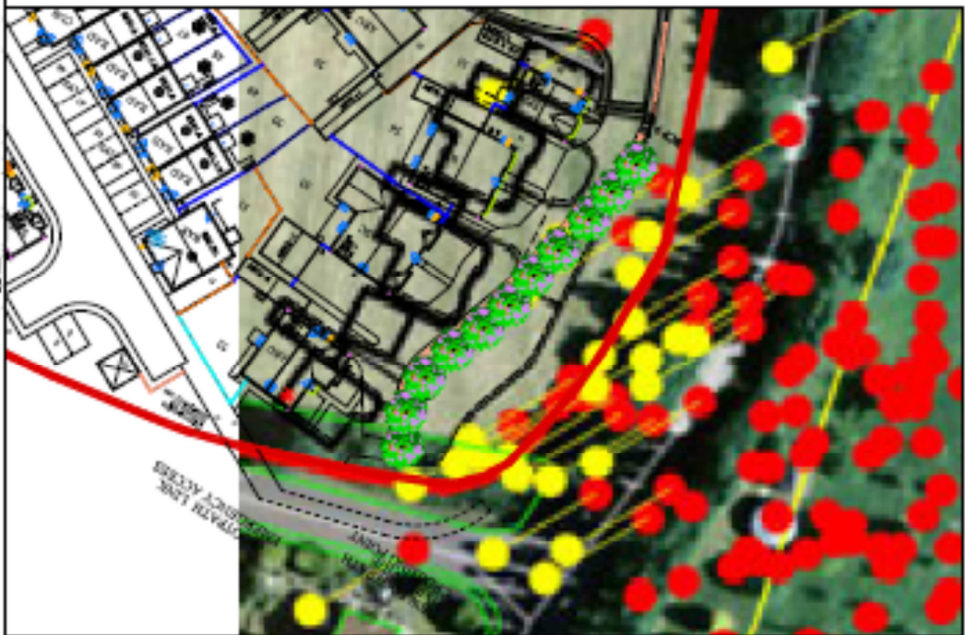


Red line application boundary. 9.77 acres/ 3.95 hectares.

SITE			
DRAWING TITLE			
DESIGNED BY	DATE	DRAWING NO.	REV
SCALE	CHECKED/DATE		



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PLANNING ISSUE

A3 Outline for



FIELDGATE LANE, WHITNASH			
Project No.	1500	Client No.	WHITNASH
Repositioning of plots 25-35		Location No.	140
Scale	1:500	Drawn by	WHITNASH
Date	JULY 14	Drawn by	WHITNASH

Planning Committee: 22 July 2014

Item Number: 6

Application No: W 14 / 0572

Town/Parish Council: Kenilworth

Case Officer: Jo Hogarth

01926 456534 jo.hogarth@warwickdc.gov.uk

Registration Date: 25/04/14

Expiry Date: 20/06/14

1 Tulip Tree Avenue, Kenilworth, CV8 2BU

Erection of a first floor side and extension and single storey rear extension FOR
Mr Hall

This application is being presented to Committee due to the number of objections and an objection from the Town Council having been received as well as a request from Cllr Shilton. The site was visited by Members on 21 June 2014.

It was deferred from your last meeting in order to enable the applicant to register to speak.

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions.

DETAILS OF THE DEVELOPMENT

The application relates to the erection of a first floor side extension and single storey rear extension.

THE SITE AND ITS LOCATION

The application site comprises of a detached dwelling situated close to the southern western corner of the junction of Tulip Tree Avenue and Windy Arbour. It is the end property of a staggered row of dwellings of various types fronting the south east of Tulip Tree Avenue. There is a single storey flat roofed garage to the side of the property which is set approximately 1.2 metres from the side boundary with number 3 Tulip Tree Avenue. Number 3 has two ground floor side facing windows serving a lounge and dining room together with a side facing first floor bedroom window.

PLANNING HISTORY

In 2013 (ref: W/13/1518) planning permission was sought for a similar development however was withdrawn. A further application (ref: W/14/0113) was submitted for a first floor side extension with front and rear facing dormer windows, this was refused on grounds that the development would result in a disproportionate dwelling and would harm the streetscene. Furthermore, the

proposal would be unneighbourly by reason of Policy DP2 and would result in loss of light.

RELEVANT POLICIES

- National Planning Policy Framework
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Object as they considered that an important issue was the likely adverse impact of loss of light to windows in the neighbouring property at 3 Tulip Tree Avenue. Officers attention is drawn to these windows as they considered that they were worthy of further investigation. If WDC was minded to approve the application, the Members strongly recommended that a site visit be undertaken.

A Member wished to speak against this proposal but unfortunately, due to other commitments, no one is available. A WDC Ward Cllr was intending to attend to speak against, but we believe that (at the time of writing) this may not be possible. However, Members have asked that since they considered the application they have seen and support the neighbours comments, including in the technical and other aspects of their objection.

Cllr Shilton: Recommends a committee site visit and objects as the new plan still does not address the loss of light to the ground floor windows of number 3 Tulip Tree Avenue.

WCC Ecology: Recommend bird and bat notes.

Public response(s): 7 letters of objection have been received on grounds that the proposal would be unneighbourly; out of keeping with the area due to the roof pitch and overbearing impact on number 3 Tulip Tree Avenue. In particular the application fails to protect light to the side facing windows in number 3, breaching BRE 209 right to light and in conflict with the Residential Design Guide, and Local Plan Policies.

A letter from the applicant in response to the objections has been received. It states that removing the flat roof above the garage is an improvement and as such will harmonise and enhance the appearance of the property. There is no right to light under planning law and there would be no noticeable reduction in daylight to the upstairs window. The dormers are situated appropriately and sensitively within the roof slope, away from the ridge level. Several of the letters are not from immediate neighbours as they live across Kenilworth. The BRE guidelines are not a rigid set of rules and the guidelines state that the degree of light should be taken from a main room window and the side facing windows are not main windows. The civil right to light is a separate claim and does not form part of the application. Additionally, the neighbour has commented that the BRE 2009 guidelines in respect to sunlight confirms that the side windows are primary windows to their property.

ASSESSMENT

It is considered that the key issues relating to this proposal to be:

- Design and impact on the streetscene
- Impact on neighbours

Design and impact on the streetscene

The application as now submitted has been the subject of pre-application discussions and the design of the first floor extension amended to address the previous reasons for refusal. The design of the roof has been set down from the ridge of the main house and is hipped away from number 3 Tulip Tree Avenue. The pitch of this hip would not match the main roof of the dwelling as it has been designed to enable a 25 degree plane to be taken from the first floor side window of number 3, taken from the mid point. It is not considered that this would result in significant harm to the visual character or appearance of the streetscene such that it would justify refusal on these grounds as there is no uniform house type within this street. In this instance it is not considered that the underlying objectives of Policy DP1 in the Local Plan or indeed the guidance contained in the Council's adopted Residential Design Guide have been undermined. The front and rear facing dormer windows are required to serve an ensuite and a bedroom and have a flat roof design, set within the roofslope of the proposed extension. It is considered that these are acceptable within the streetscene.

The design of the single storey rear extension is acceptable and would have a mono-pitched roof across part of the rear of the house. It is considered that there would be no conflict with Policy DP1 or the Residential Design Guide.

Impact on neighbours

The objections received highlight the two ground floor side facing windows serving a lounge and dining room to number 3 Tulip Tree Avenue and that there would be a significant loss of light into these rooms. These rooms both have primary front and rear facing windows in addition to the side windows. It is

considered that as secondary side facing windows, these are not afforded the same protection as primary windows. The occupiers of number 3 Tulip Tree Avenue state that the Council have not adhered to the use of The Building Research Establishment's (BRE) 209 guidelines and their civil legal right to light. Whilst this guidance is recognised, the Council has no formal adoption of this as a policy upon which to assess side facing windows and therefore little weight can be attached to this. In terms of impact on occupiers of number 3, it is considered that the proposed extension would not result in loss of privacy or significant loss of outlook from the first floor bedroom window given the distance of the hipped roof which would be 5.7 metres away at its highest point (where it marries into the main roof). It is considered that the proposal is acceptable in meeting Policy DP2 in the Local Plan.

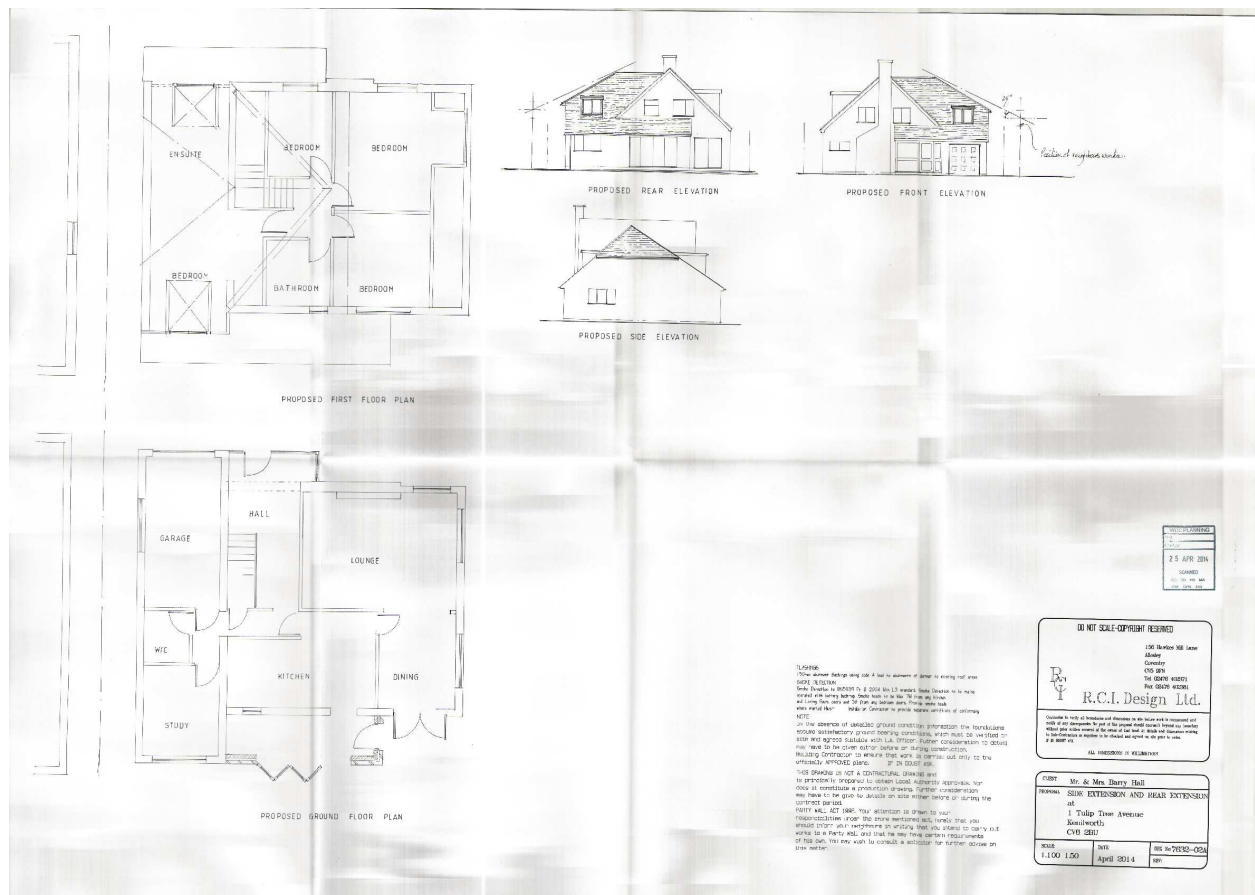
SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the proposed development is of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings and does not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 7632-01 Rev B and 7632-02 Rev A, and specification contained therein, submitted on 25 April 2014. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.





Planning Committee: 22 July 2014

Item Number: 7

Application No: W 14 / 0785

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 22/05/14
Expiry Date: 17/07/14

01926 456531 Helena.Obremski@warwickdc.gov.uk

228 Valley Road, Lillington, Leamington Spa, CV32 7SZ

Application for the proposed erection of a two storey side extension and single storey ground floor front, side and rear extensions. RESUBMISSION. FOR Mr Phipps

This application is being presented to Committee due to an objection from the Town Council having been received.

RECOMMENDATION

Planning Committee are recommended to grant planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

The applicant seeks to construct a single storey front and side extension in order to accommodate a hall, family room and new garage, with two storey side extension which will enlarge the kitchen, provide a utility room to the ground floor and enlarged existing bedroom with ensuite above.

THE SITE AND ITS LOCATION

The application property is a detached dwelling, positioned to the South of Valley Road on a corner plot which adjoins to the rear of properties fronting Kempton Crescent. The application property benefits from a garage and driveway parking and is set on a slightly elevated position from the public highway.

PLANNING HISTORY

W/13/1684 - application withdraw by the applicant for a similar scheme for the proposed erection of a two storey side extension, single storey front and single storey side extension.

RELEVANT POLICIES

- National Planning Policy Framework
- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - Object on the basis that no significant amendments have been made to the application, that the proposal is overbearing, appears to be contrived and has an adverse effect on the neighbours. Raises concerns whether the design complies with the Residential Design Guide.

WCC Ecology - No objection, recommends a note relating to bats as protected species be added to any approval granted.

Tree Preservation Officer - No objection, subject to an arboricultural method statement and details of tree protection methods being submitted.

Public Response - 3 objections have been received on grounds of loss of light, loss of privacy, noise and disturbance and the removal of a tree to the front of the property in terms of its importance of the tree within the landscape.

Assessment

The main issues relevant to the consideration of this application are as follows:

- Design
- The impact on the living conditions of nearby dwellings
- Renewable Energy
- Parking
- Ecology Issues
- Arboricultural Matters

Design

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 1996 - 2011 policy DP1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

The proposed extensions will be visible within the street scene as they will be positioned on the front and side of the application property. There were concerns regarding the design submitted under a previous application (W/13/1604) in relation to the proposed extensions appearing overbearing and that they did not look subordinate to the original dwelling. Royal Leamington Spa Town Council have objected to this application and comment that no significant amendments have been made to the application and that there are concerns whether the application complies with the Residential Design Guide. However, the agent has made alterations to the design and it is considered that this proposal has addressed these queries; the applicant has reduced the height of the ridge line of the two storey side extension and it is now set back from the front elevation to create a subservient form of extension which complies with the Residential Design Guide. The roof pitch of the two storey side extension mirrors the gradient of the main roof slope and the proposed extensions will be constructed in materials to match those of the existing dwelling and will not be built up to any of the boundaries of the application site. It is considered that the proposal respects the character of the existing dwelling and the wider surroundings. It is therefore considered that the proposal complies with the NPPF, Local Plan policy DP1 and the Residential Design Guide.

The impact on the living conditions of nearby dwellings

Warwick District Local Plan policy DP2 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy DP2, which stipulates the minimum requirements for distance separation between

properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

Number 230 Valley Road is positioned to the Eastern boundary of the application site and will not lie immediately adjacent to the proposed extensions. This neighbour is set slightly further back than the application property, however, this neighbour has extended the garage forwards of the existing dwelling, therefore, there will be no breach of the Council's adopted 45 degree guideline as a result of the single storey front facing extension. The proposed two storey side extension and single storey rear extension will not protrude any further into the garden from the rear elevation and as such there will be no possible conflict of the Council's adopted 45 degree guidance. The proposed extensions will be situated on the opposite side of the application property to this neighbour; therefore it is considered that there would be no significant detrimental impact in terms of loss of light, outlook or privacy.

Numbers 15, 16 and 17 Kempton Close are positioned to the South-Western elevation of the application property and are set down from the existing dwelling. All of these neighbours have objected to the application. Number 15 has objected to the proposal based on loss of light, negative effect on their property value and potential noise and disturbance caused; Number 16 has objected to the application on the basis of loss of light and privacy, concerns regarding the removal of a tree to the front of the property and the potential noise and disturbance during the building works; Number 17 has objected to the application on the basis of loss of privacy, the potential noise and disturbance which may be caused as a result of the development and the loss of the tree to the front of the application property.

The Corsian Pine tree at the front of the property is due to be retained and the applicant has submitted some details regarding the arboricultural issues relating to this. The noise and disturbance caused during the building works and the presumed negative effect on property values are not material planning considerations and as such will not be referred to in this report. As these neighbours are set down from the application property, there will be no breach of the Council's adopted 45 degree guidance and the proposal meets the distance separation guidance as stipulated by the Residential Design Guide. There are no proposed windows whatsoever to the side elevation which could cause a loss of privacy for these neighbours. As this property is set at an elevated position to these neighbours, there may be some loss of light, however, it is not felt that this is so significant as to warrant refusal of the application as the proposal meets the distance separation guidance.

Numbers 18, 19 and 20 Kempton Crescent are positioned to the South elevation of the application property and will not lie immediately adjacent to the proposed extensions. There will be no breach of the Council's adopted 45 degree guidance and the proposal meets the Council's adopted distance separation guidance. It is considered that there would be no significant detrimental impact in terms of loss of outlook, light or privacy for these neighbours which would warrant refusal of the application.

There are no front facing neighbours which could be impacted by the proposed development.

Royal Leamington Spa Town Council have also objected to the application on the basis that it has an adverse effect on the neighbouring properties, however it is considered for the aforementioned reasons that there would be no significant detrimental impact on any of the adjoining neighbours which would warrant a reason for refusal of the application. Therefore, the proposal is considered to comply with Local Plan policy DP2, the Residential Design Guide, the Council's adopted 45 degree guideline and the Council's adopted distance separation guidance.

Renewable Energy

Due to the scale of the proposed development it is considered that a requirement to provide 10% of the predicted energy requirement of the development through renewables in accordance with Policy DP13 and the associated SPD would not be appropriate.

Ecology

WCC Ecology have commented on this application site, however, they consider that a cautionary bat note would be sufficient and that this application in its present form is acceptable and complies with Warwick District Council Policy DP3.

Arboricultural Matters

The applicant submitted a tree schedule, with Tree Constraints Plan and Arboricultural Impact Plan. There has been no objection received by the Tree Preservation Officer subject to the provision of an arboricultural method statement and tree protection methods by the applicant to Warwick District Council prior to the commencement of any proposed works which can be conditioned. The proposal is therefore considered to comply with Local Plan policy DP3.

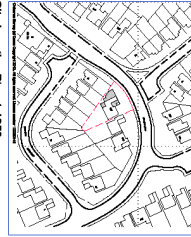
Conclusion

In conclusion, the proposed single storey front, single storey rear and two storey side extension are considered to be of acceptable design and scale which would not impact adversely on the on the character or appearance of the street scene and do not substantially impact on the amenity of neighbouring properties which would support a reason for refusal.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 2364-02C, and specification contained therein, submitted on 22nd May 2014. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
 - 3 No development or other operations (including demolition, site clearance or other preparatory works) shall commence until tree protection measures have been 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. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
 - 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.
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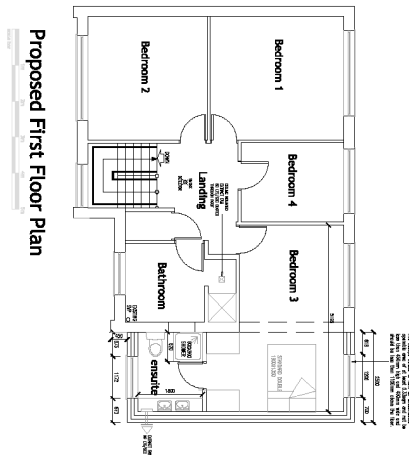
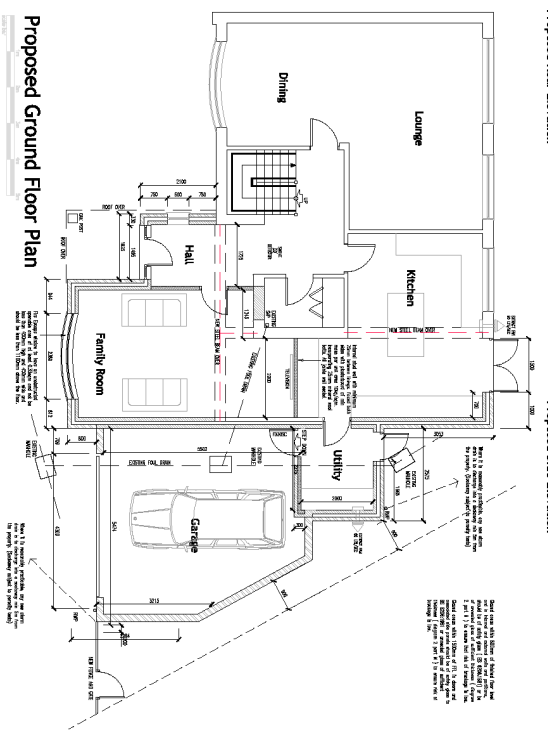
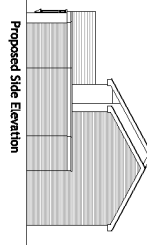
Existing Side Elevation

Existing Ground Floor Plan

The plan shows a central hall connecting several rooms. To the top left is a Lounge with a fireplace and a bay window. To the top right is a Dining area. To the bottom right is a Kitchen with a sink, stove, and refrigerator. To the bottom center is a Utility room with a washing machine. To the bottom left is a Garage. A staircase is located in the hall, leading up and down. A front door is shown on the right side of the hall.

The floor plan of the second floor features four bedrooms, a bathroom, and a central landing. Bedroom 1 is located at the top left, and Bedroom 2 is at the top right. Bedroom 3 is at the bottom left, and Bedroom 4 is at the bottom right. A bathroom is situated between Bedroom 2 and Bedroom 3. A central landing provides access to all rooms and includes a staircase leading down.

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Approved Drawings

This set of drawings has been prepared by the Architect and is intended to be used for the construction of the proposed development. It is the responsibility of the client to ensure that the drawings are used in accordance with the relevant building regulations and other applicable laws.

Architect's Declaration

I, the undersigned, being a duly qualified Architect, hereby declare that I am the author of the drawings and that I am not aware of any fraud or deception in connection with the same.

Client's Declaration

I, the undersigned, being the client, hereby declare that I have read and understood the terms and conditions of the contract and that I agree to the proposed development.

Easyplan

Easyplan is a leading provider of architectural services, offering a wide range of services to clients. We are committed to providing high-quality, professional services and ensuring that our clients are satisfied with the results.

Contact Information

Easyplan
123 Main Street
Sydney, NSW 2000
Phone: (02) 1234 5678
Email: info@easyplan.com.au

Application No: W 14 / 0863

Town/Parish Council: Leamington Spa
Case Officer: Helena Obremski

Registration Date: 05/06/14

Expiry Date: 31/07/14

01926 456531 Helena.Obremski@warwickdc.gov.uk

Avon Court, Kenilworth Road, Leamington Spa, CV32 6JH

Rebuild existing brick built boundary wall which has deteriorated and reduce height of remaining boundary wall to the same level. FOR Hanover

This application is being presented to Committee due to an objection from the Town Council having been received and by reason of the number of objections that have been received.

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to the conditions listed.

PLANNING HISTORY

There is no relevant planning history relating to this site.

KEY ISSUES

The Site and its Location

The application property is a large, detached two storey Victoria villa with a 4 storey extension permitted in the early 1980's which is situated in the Royal Leamington Spa Conservation Area and benefits from off street parking. The application site is positioned to the West of Kenilworth Road and to the North of Woodcote Road which leads onto Barwell Close which lies to the rear of the application site.

Details of the Development

The original proposal from the applicant sought i. to rebuild part of a rear boundary wall to a height of 2 metres which fronts Barwell Close and which has deteriorated, and ii. to reduce part of the existing rear boundary wall to a height of 2 metres. However, amended plans have been submitted which propose the rebuilding of the wall which has deteriorated to a height of 2.4 metres and reduction of the height of the main section of the boundary wall to 2.6 metres. Owing to the change in the road level, this results in the wall appearing the same height across the length of the boundary.

This application is being presented to Committee due to the number of objections received.

RELEVANT POLICIES

- National Planning Policy Framework
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

SUMMARY OF REPRESENTATIONS

Royal Leamington Spa Town Council - no objection.

14 Public Responses and The Coach House, Barwell Close - objects to the application regarding the height of the proposed wall, would like to wall rebuilt to 2.2 metres or 2.5 metres.

Carew, Barwell Close - objects to the application regarding the height of the proposed wall, would like the wall rebuilt to 2.3 metres.

Petition of 12 further signatures from residents of Barwell Close - object to the application regarding the proposed height of the wall, would like the wall rebuilt to the original height.

Assessment

The main issues relevant to the consideration of this application are as follows:

- Design
- The impact on the living conditions of nearby dwellings
- The impact on the Conservation Area

Design

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's existing and emerging Local Plans reinforce the importance of good design stipulated by the NPPF and require all development to respect surrounding buildings in terms of scale, height, form and massing. They call for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

The proposed rebuild of the rear boundary wall and reduction in height of part of the existing rear boundary wall will be visible within the street scene of Barwell Close which lies to the Western elevation of the application site. This road is characterised by traditional cottages which have an outlook onto the high level boundary wall of Avon Court. Part of this wall which runs along Barwell Close has been reduced in places and the height varies. It is unusual to find a wall of this height (which is approximately 3 metres at the highest point) and the original proposal sought to substantially reduce the height of the wall to 2 metres which would have had a detrimental impact on the street scene. After negotiations between the Conservation Architect and agent, further drawings have been submitted which have been amended to show that the wall will be rebuilt to 2.4 metres and the long section of remaining wall will be reduced to 2.6 metres. This actually results in the wall appearing the same height along the length of the boundary owing to the change in the road level and will not significantly impact on the character of this feature. The proposed development will incorporate reclaimed bricks which are seen as the most appropriate materials to construct the boundary wall in and would be sympathetic to the surrounding area. With the amended plans taken into consideration, the proposal is considered to comply with the NPPF; existing Local Plan policy DP1 and emerging Local Plan policy BE1.

The impact on the living conditions of nearby dwellings

Existing Local Plan policy DP2 and emerging Local Plan policy BE3 require all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for those policies, which stipulates that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

16 objections have been received from the residents of properties situated on Barwell Close. Some have commented that the wall should be returned to its original height of approximately 3 metres, whilst others have stated that returning the wall to a minimum height of between 2.2 metres and 2.5 metres would be sufficient. The proposed development will not lead to an adverse effect on the neighbours in terms of loss of light or privacy, nor will there be an increase in the breach of the 45 degree guideline as the wall is to be rebuilt on the existing foundations. The outlook for these neighbours may be altered somewhat as the wall will be slightly lower, however, it is considered that altering the height of the proposed wall rebuild to 2.4 metres at the lowest point is sufficient so that it would not have a significant detrimental impact on these neighbours.

The proposed amended development would not adversely impact on any other adjoining neighbours to the application site and therefore it is considered that the proposal complies with the policies referred to above and the Residential Design Guide.

The impact on the Conservation Area

Existing Local Plan policy DAP8 and emerging Local Plan policy HE2 require development to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas; respect the setting of Conservation Areas and should not impact on important views or groups of buildings from inside and outside of the boundary.

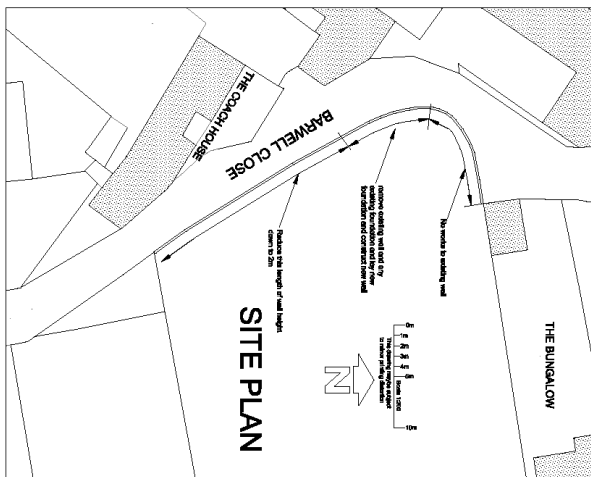
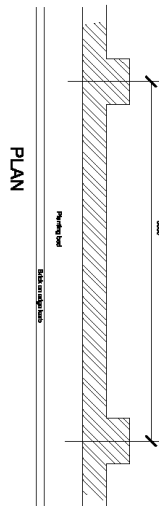
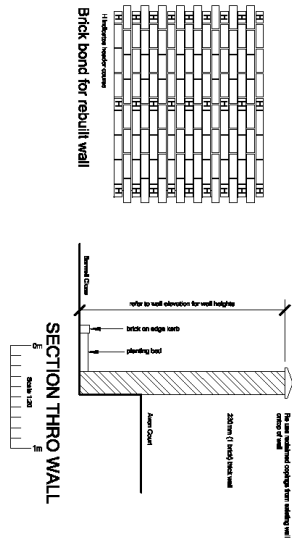
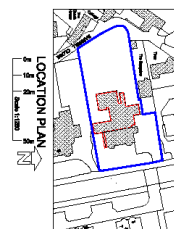
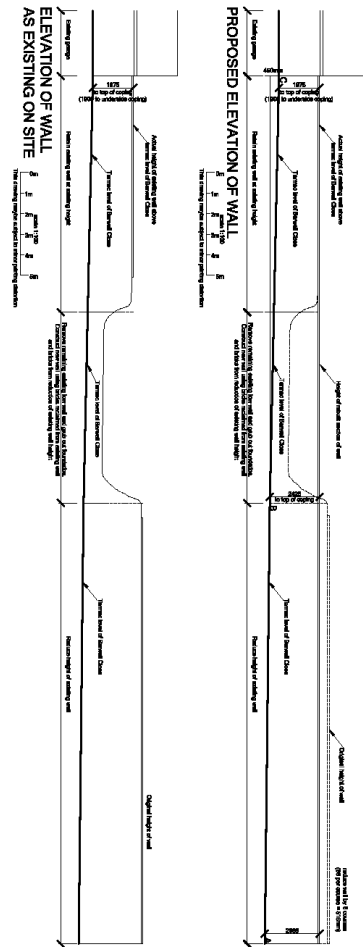
The proposed rebuild of the boundary wall is seen as necessary owing to its poor state of repair and using reclaimed bricks is considered to retain the character of the Conservation Area. After negotiations between the Conservation Officer and the agent, the proposed rebuild of the wall and reduction in height of the long section of the wall will result in uniform height across the entire section of boundary wall. Prior to the wall deteriorating, there was a presumed step in the height of the wall. Therefore, the proposal is considered to enhance and retain this feature within the Conservation Area and will not significantly impact the wider surroundings. The proposal would largely retain this prominent feature within the Conservation Area and is considered to comply with the policies listed above.

Conclusion

In conclusion, the proposed rebuilding of the brick built boundary wall and reduction in height of part of the existing boundary wall is considered to be of acceptable design and scale which would not impact adversely on the on the character or appearance of the street scene or the Conservation Area and does not substantially impact on the amenity of neighbouring properties which would support a reason for refusal.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing 211/05 Revision B, and specification contained therein, submitted on 9th July 2014. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
 - 3 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
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[illegible]

Application No: W 14 / 0887

Town/Parish Council: Warwick
Case Officer: Penny Butler

Registration Date: 11/06/14
Expiry Date: 06/08/14

01926 456544 penny.butler@warwickdc.gov.uk

Land at Vine Lane, Warwick

Erection of 2no. 2no. bedroomed dwellings. FOR Anton Gerrard Ltd

This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to the conditions listed, following the expiry of the statutory consultation period on 28 July and subject to no further objections being received that have not been taken into account.

DETAILS OF THE DEVELOPMENT

The proposal is for the erection of two semi-detached dwellings on the site following the removal of the existing garages. The proposed building will be set back from the boundary of the application site with the edge of the carriage way, and will provide a 1.4m wide foot way. There is no foot way in front of the site currently.

The dwellings would be two storeys with a bedroom and shower room provided within the roof space, being served by front and rear roof lights. The dwellings are described by the applicant as having two bedrooms, but the plans show a large study at first floor which could act as a further single bedroom. One integral parking space would be provided for each dwelling by way of a car port projecting 1.5m forwards under a lean to roof. At the rear, there is a 2m deep single storey projection with a lean to roof. Proposed side openings consist of a door and window at ground floor, with stair windows at first and second floors. Solar PV panels are proposed on the rear facing roof slope. Cycle and bin storage can be provided in the rear gardens, to be accessed by 0.8m wide side accesses.

The applicant has submitted two alternative designs for the front elevation, one providing garage doors to the car ports which they prefer, and one leaving the car ports open which is preferred by the Highway Authority. This is in response to the concerns raised at the previous Planning Committee about potential for anti-social behaviour within unsecured undercroft parking areas.

THE SITE AND ITS LOCATION

The application site previously formed the rear gardens of houses fronting Paradise Street to the south (no.38 is in separate ownership and the applicant owns no.36), and provided vehicular access into the rear garden for no.36. The site currently contains two unattractive lock up garages which project forwards of the buildings each side, following a bend in the road. The site lies between terraces of modern development each side fronting Vine Lane, whilst there are Victorian terraces to the rear on Paradise Street, and 1950/60s houses and bungalows opposite. The site is within a residential area close to the hospital.

PLANNING HISTORY

A planning application was withdrawn in 2012 (W/12/0728). This application proposed four flats with four parking spaces on the site frontage, and clear glazed windows were proposed at first floor level on the rear elevation.

A planning application was refused in 2013 (W/13/0646) for a two storey block of four flats with four undercroft parking spaces. This building included a two storey projecting rear wing and single storey projecting front canopy. The reasons were that insufficient provision was made for car parking, and that the design, mass and siting of the building was out of character with the area.

A planning application was refused in March 2014 (W/14/0035) for a terrace of three 1-bedroom houses in a two storey block with front dormer windows. This scheme provided under croft parking for three cars across the entire frontage, with access to the dwellings provided via the rear garden. The reasons were the introduction of an unsympathetic and incongruous feature within the street scene which does not positively contribute to the character of the environment, and insufficient provision for access to the primary areas of accommodation located within the upper floor levels of the proposed building.

RELEVANT POLICIES

- National Planning Policy Framework
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (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)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
 - BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
 - SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
 - H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
 - H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
 - TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
 - TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
 - HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
 - HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
 - CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
-
- The 45 Degree Guideline (Supplementary Planning Guidance)
 - Sustainable Buildings (Supplementary Planning Document - December 2008)
 - Residential Design Guide (Supplementary Planning Guidance - April 2008)
 - Distance Separation (Supplementary Planning Guidance)
 - Open Space (Supplementary Planning Document - June 2009)
 - Vehicle Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: No comments received at time of writing report. Comments will be reported directly to Planning Committee.

Public response: Seven objections received raising the following concerns:

- Loss of existing parking space for no.36 Paradise St. and insufficient provision for proposed development which would exacerbate existing traffic issues and illegal parking problems, harming highway and pedestrian safety.
- Dwellings parking on the site would reverse onto the frontage of houses opposite.
- Loss of amenity, view and light to surrounding properties.
- Over development.
- Inadequate visibility to car ports.
- The building should be set back to provide off-street parking and to increase vehicle manoeuvring space.
- The roof height should match houses in Vine Lane to the east, not Vine Court to the west, which currently are too tall for the area, and the proposal therefore fails to harmonise with the surroundings.

- The impact of the height of the Vine Court houses on neighbours opposite is mitigated by the greater set back of these neighbours. This is not the case for the proposed development, as houses opposite are closer, leading to loss of light.
- Proposed study could be converted to a bedroom, increasing the parking need of the houses
- Wall adjacent to garage being demolished is owned by WDC

WCC Ecology: Recommend bat and bird notes.

WCC Highways: No comments received at time of writing report. Comments will be reported directly to Planning Committee

ASSESSMENT

The key issues in the determination of this application are the impact of the development on neighbouring amenity, visual amenity and highway safety.

Impact on neighbouring amenity

Policy DP2 requires development to not lead to an unacceptable adverse impact on the amenity or nearby users or residents, and to provide acceptable standards of amenity for future users/occupiers of the development. The Residential Design Guide also requires development to take account of the impact on neighbouring properties, and in particular sets out the 45 Degree Guideline for assessing over-development, loss of privacy and dominance over adjoining dwellings, and to secure reasonable standards of outlook and amenity, and the Distance Separation Standards for limiting the potential for over-development, loss of privacy and dominance over adjoining dwellings, and to secure a reasonable standard of amenity and outlook for local residents.

The front elevation of the building would be sited 26.8m from the main wall of the nearest house on the opposite side of Vine Lane. The separation standard for facing fronts of two storey buildings of 22m is therefore complied with. The proposed front elevation consists of a study/bedroom window at first floor, with a roof light serving a shower room in the roof space above from which no overlooking would occur. The main rear elevation of the proposed houses would be sited 22m from the main rear wall of houses on Paradise Street. The separation standard for facing rear elevations of two storey buildings of 22m is therefore complied with. The proposed rear elevations contain first floor bedroom windows with a second floor bedroom roof light above, where the plans state that the roof light cills will be 1.75m above the internal floor level. There would therefore be no material overlooking from the proposed rear roof lights. Both the front and rear elevations of the proposed houses will be in line with the existing houses each side, and the proposal will therefore have a similar relationship with surrounding houses to that which currently exists.

The building would not cause substantial loss of light to the neighbours at the front or rear due to the distance separation. The proposed dwellings would have

5.8m deep rear gardens which would not appear out of character with surrounding rear gardens which have a similar depth.

The building easily complies with the 45 degree guideline taken from the front and rear windows of the dwellings each side of the site. At the front the existing outlook would be improved for neighbours since the garages being demolished project further forwards than the proposed building. For these reasons the proposal is considered to comply with Policy DP2 and the Residential Design Guide.

Impact on visual amenity

Policy DP1 only permits development which contributes positively to the character and quality of its environment through good layout and design. It requires proposals to reinforce or enhance the established urban character of streets, reflect, respect and reinforce local architectural and historical distinctiveness, and respect surrounding buildings in terms of scale, height, form and massing. The Residential Design Guide also provides a design framework for maintaining and enhancing the distinctive qualities of the District's towns.

The height of the proposed building is considered appropriate in this location as the ridge height is no higher than the terrace of dwellings directly adjacent. It is noted that residents feel these existing houses are too tall, but they form part of the setting which the proposal should reflect. The design of the building is similar to the modern Victorian style houses each side of the application site and incorporates similar architectural features, whilst the materials can be conditioned as appropriate. It is considered that the front elevation would be visually acceptable without doors on the car ports, and this would be preferable in terms of highway safety, since it would prevent cars waiting in the highway whilst garage doors are opened. However, if this is not agreed then the alternative plans showing doors can be substituted. Since the building will not project forward of the adjacent terrace to the west and will be no higher, it will not form a prominent feature in the street scene, as it will blend in with the size, design and appearance of its setting. The development would not appear out of character or harmful to the established pattern of Victorian and modern terraced dwellings, and would therefore comply with Policy DP1 and the Residential Design Guide, and the NPPF which places a strong emphasis on good design.

Impact on highway safety

The site contains two single lock up garages and previously provided an off road parking space for no.36 Paradise Street, although the parking area has been fenced off. The applicant states the garages and land have not been used for parking in association with no.36 in recent years although neighbours state the garages have been let to other local residents. It is clear the land and garages have not been used for parking by the houses whose original curtilage they stood within for some time, therefore, it is not considered that permission could be refused on the basis that parking for no.36 would be lost. The concerns raised relating to parking and highway safety in the vicinity have been carefully considered by the Highway Authority.

The car ports have internal dimensions of 3m by 5m to ensure there is adequate space for car doors to open and for the spaces to be easily used for the parking of vehicles. Since these spaces are required to serve the parking needs of the houses, a condition would be required to ensure they are only used for parking vehicles and no other purpose. There is adequate manoeuvring space for vehicles to access the spaces without using private land opposite. As noted above, it is preferable in highway safety terms for there to be no doors on the car ports.

Concerns have been raised by local residents with respect to the impact of the development on on-street parking in this area, where Vine Lane has a carriageway of varying widths. To the east of the site it is wide enough for two way traffic to pass, however the northern side of the carriageway has some on-street parking provision. Across the site frontage, the carriageway narrows to a single way movement of vehicles, and to the west of the site it widens again to two way movement of traffic for a short distance only, with a road narrowing followed by a further pinch point before it connects back with Woodville Road. With the exception of the small section for on-street parking, the road is subject to double yellow lines preventing on-street parking.

The highways in the immediate area (with the exception of Sharpe Close) are within a Residents Parking Zone (W3). Dwellings within this area are eligible to apply for residents parking permits within the W3 zone, which also extends to a number of roads further out from the site. The proposed development does not comply with the parking standards, which require two spaces per three-bedroomed house. The Vehicle Parking Standards SPD advises that it may be acceptable to make use of a TRO (Traffic Regulation Order) to remove residents' rights to apply for parking permits, where a development does not meet the standards. The location of the site is highly sustainable, being within walking distance of the town centre, local services (schools, hospital, etc) and rail station/bus links, therefore in these circumstances it is considered reasonable to require the applicant to enter into a TRO, to secure the removal of residents' rights to apply for a permit. They would still have one parking space within the development. This would ensure there would be no greater impact on existing parking situation arising from the development, and would make the development acceptable in parking terms. Property no's. 36 & 38 are already within the parking zone and thereby currently eligible for parking permits. On this basis, the proposed parking provision and layout would be in accordance with Policies DP6 and DP8.

Sustainability

Solar photovoltaic panels are proposed on the rear (southern) roof slope to achieve a 10% energy saving in accordance with the Sustainable Buildings SPD and Policies DP12 and DP13.

Other matters

Severn Trent Water have previously confirmed that there is capacity in the existing public foul system, and it is proposed to provide a surface water soakaway, details of which could be secured by condition.

Bin storage space can be provided in the rear gardens where it will be screened from general view, and would be accessed via the side accesses.

A contribution towards the improvement of public open space in the vicinity, as no provision is made on site, is justified and could be required by condition.

A bat survey has been carried out to the satisfaction of the County Ecology service.

SUMMARY/CONCLUSION

The proposed development is of an acceptable standard of design which would harmonise with the design and appearance of its surroundings and does not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy, and would make appropriate provision for the parking of vehicles. The proposal is therefore considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (323-23; 323-24 alt; 323-25 alt; 323-26 alt submitted on 11 June 2014), and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 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 local 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 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. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.

- 5 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

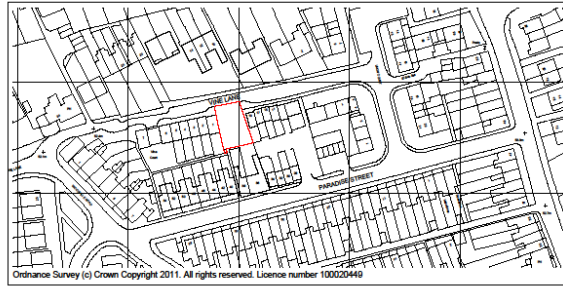
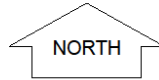
(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

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

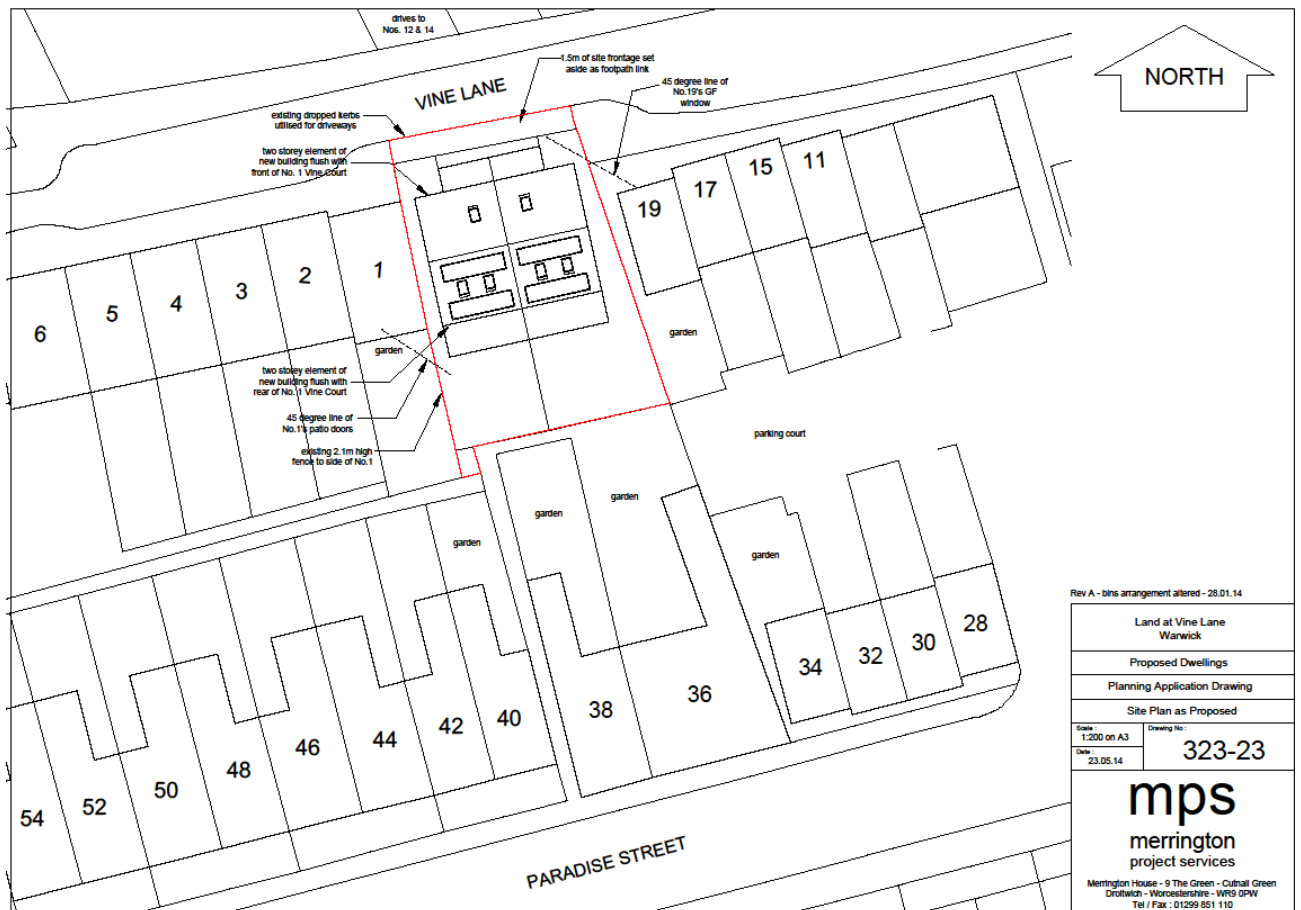
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Class A, Class B, or Class E of Part 1 of Schedule 2 of this Order. **REASON:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the roof lights to be formed in the front facing roof slope of the building hereby permitted shall only be glazed or re-glazed with obscure glass, and the roof lights to be formed in the rear facing roof slope of the building hereby permitted shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer

needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 9 None of the dwelling(s) hereby permitted shall be occupied unless and until the car parking provision for that dwelling(s) has been constructed in accordance with approved drawing number 323-24-alt submitted on 11 June 2014, and made available for use by the occupants and / or visitors to the dwelling(s) and thereafter those car ports shall not be used for any purpose other than for the storage of a private motor vehicle. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities and in the interests of highway safety and the satisfactory development of the site in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011.
- 10 No use of the development hereby permitted shall commence unless and until a public highway footway crossing has been constructed to the site in strict accordance with the standard specification of the Highway Authority. **REASON:** To ensure that a footway crossing is available for use when the development commences thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
- 11 The access to the site shall not be reconstructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **REASON:** In the interests of highway safety in accordance with Policies DP8 of the Warwick District Local Plan 1996-2011.
- 12 The development hereby permitted shall not be occupied unless or until a Traffic Regulation Order has been made by the Highway Authority to remove the application property from the existing Traffic Regulation Order thereby securing the removal of the rights of the applicant/ future owner/ tenants of the application property to apply for residents parking permits. **REASON:** To ensure the proposed development does not result in an increase in on-street parking pressure in an area with already high demand to the detriment of highway safety and residential amenity in accordance with Policies DP8, DP2 and the Vehicle Parking Standards SPD of the Warwick District Local Plan 1996-2011.



Land at Vine Lane Warwick	
Proposed Dwellings	
Planning Application Drawing	
Location Plan	
Scale: 1:1250 on A3	Drawing No: 323-21
Date: 23.05.14	
mps merrington project services <small>Merrington House - 5 The Green - Culbally Green Droghda - Wexfordshire - W19 8PW Tel / Fax : 01299 951 110</small>	





Planning Committee: 22 July 2014

Item Number: 10

Tree Preservation Order No: 485

Town/Parish Council: Sherbourne

Case Officer: Robert Penlington
01926 456212 robert.penlington@warwickdc.gov.uk

Provisional Tree Preservation Order 485: Sherbourne House, Vicarage Lane,
Sherbourne, Warwick.

This Tree Preservation Order is being presented to Committee because an objection has been received to it being confirmed.

RECOMMENDATION

Planning Committee are recommended to authorise officers to confirm Tree Preservation Order 485 without modification.

BACKGROUND

In April 2014, following the receipt of a Conservation Area Tree Notification proposing the felling of one of the trees the subject of this Order, the District Council made a provisional Tree Preservation Order in relation to two mature specimen trees, comprising a Californian Redwood of approximately 120+ years of age, and a Scots Pine of approximately 200+ years of age located within the curtilage of the above property in the Sherbourne Conservation Area.

ASSESSMENT

Both of the trees are approximately 25m in height and significantly contribute to the character and visual amenities of the immediate area including the wider historic setting and landscape.

Upon the tree officer's site visit, he was made aware that a branch of the redwood had previously failed and landed adjacent to another resident. However, upon inspection of the tree there was no evidence of structural weaknesses or the presence of fungal fruiting bodies and both trees were also found to be in a sound biological state.

OBJECTIONS - Residents of Sherbourne House.

The council has received two objections to the making of the Order as follows:-

- 1) The redwood is dangerous and presents a health and safety risk. Large branches have fallen close to residents, not just in high winds. The council's tree officer recently reported hanging limbs which required emergency removal. We are not content to regularly check the tree. The cost of tree surgery is prohibitive to us all.
- 2) The redwood is damaging the property by lifting the tarmac surface car park and effecting the boundary wall.
- 3) It is not an indigenous species and was planted after the house was built. The consequences of the tree growth were not considered at the time of planting.
- 4) Should the TPO be upheld, the council should be liable for any damage or injury caused by the tree.

SUPPORT – Sherbourne Parish Council.

A letter supporting the making of the Order has also been received from three Parish Councillors: Antoinette Gordon, Rachel Newsome and Tony Merrygold, who confirm their full support for the Order which is considered to be both desirable and necessary. The letter of support identifies that:-

- 1) The trees are within the grounds of the Grade 2 Georgian manor house named Sherbourne house.
- 2) They are both clearly visible from neighbouring roads including Vicarage Road, Old Stratford Road and the A46 and represent a significant amenity benefit to the surrounding area.
- 3) Local residents are very keen to ensure both trees are protected particularly following the recent felling of other Victorian tree planting within the grounds, including a magnificent Copper Beech.

KEY ISSUES

The key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are whether the trees are of sufficient amenity importance to justify such protection, and whether the public benefit afforded by the trees outweighs any private inconvenience experienced by individuals because of the trees.

The trees are considered to be of significant amenity value within the surrounding area. They soften and harmonize the transition between the built and natural environments, making a positive contribution to character of the Conservation Area.

The proposed felling of the redwood was not supported by any evidence of structural deformities or of any fungal fruiting bodies to support the view that the tree was unsafe or of a nuisance in the legal sense. Following inspection of both trees, the District Council's Tree Preservation Officer advises that there is no evidence to suggest any overriding concerns regarding the health, safety or stability and that the physiology and structure of the tree appears sound.

Whilst during a site inspection following a period of high winds, 3 hanging limbs within the lower crown of the redwood tree were observed, such an extent of damage is not considered to be sufficient to demonstrate that the tree is inherently unsound or dangerous.

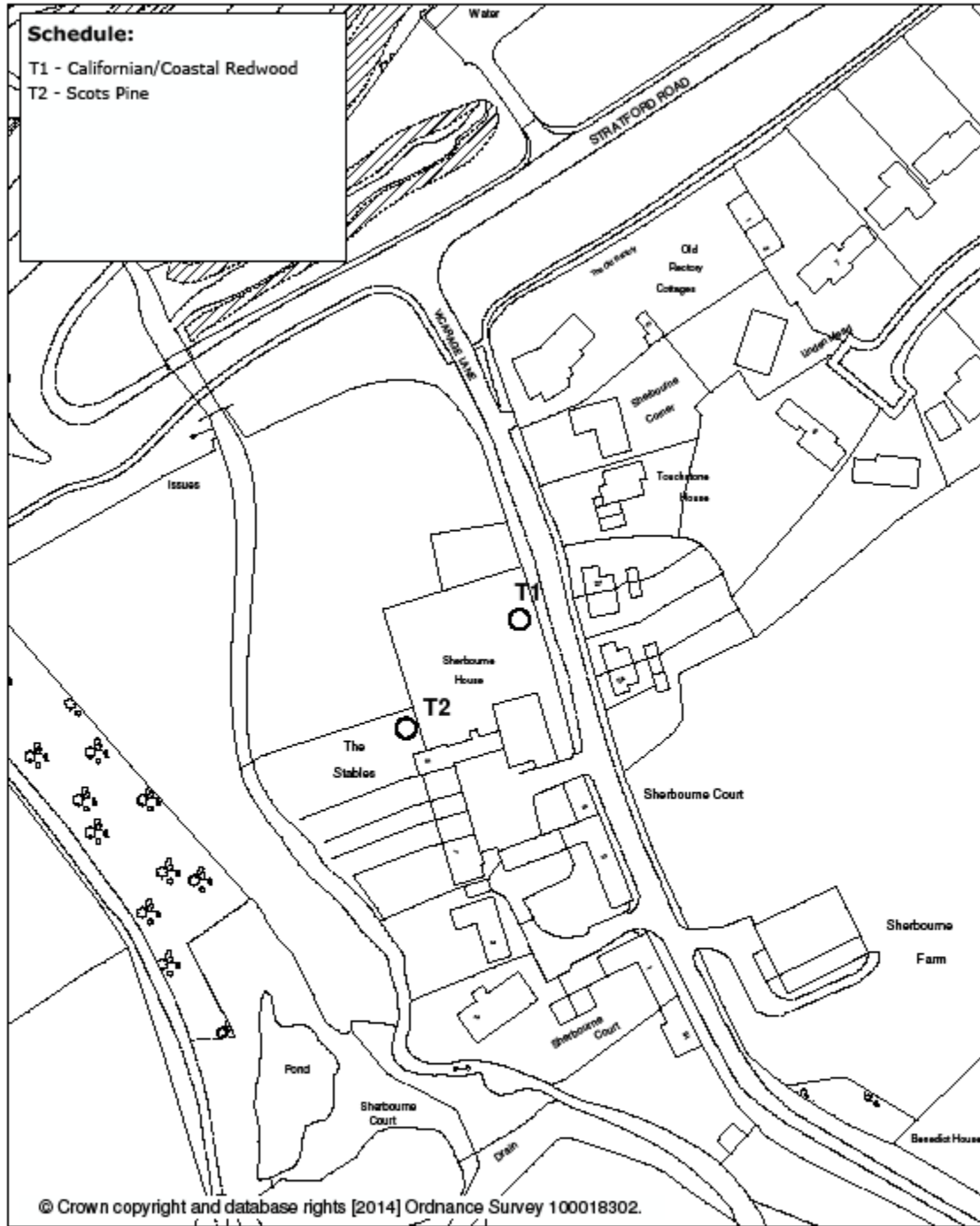
The effect of the Tree Preservation Order is to bring future work to the trees under the Council's control. It does not prevent future routine maintenance and an application to carry out further works can be made at any time.

A Tree Preservation Order also assists the Council to ensure continuity of cover by enabling the Council to require replacement planting in any future circumstances should it become appropriate to permit the removal of the trees.

During the inspection of the trees, no subsidence damage to the buildings was noted. Whilst damage to the tarmac drive and a crack in the boundary wall of the site were noted, that damage of itself was not considered to be such as to be sufficient justification not to confirm the Tree Preservation Order which would effectively permit the felling of the redwood tree and signal that the Council does not consider the scots pine to be worthy of protection.

Insurance liability for trees subject to a TPO generally rests with the property owner. However, following any refusal by the Local Authority of an application to undertake works to a TPO tree, compensation may be claimed within 12 months of the date of that decision for loss or damage which was reasonably foreseeable when the application was decided.

It is not considered that the issues raised in objection to the Tree Preservation Order are sufficient to outweigh the significant amenity contributions which the tree makes to the surrounding area.



	Title: Tree Preservation Order No. 485 Sherbourne House, Vicarage Lane, Sherbourne, Warwick				
	LOCATION PLAN OS Sheet Reference No. SP2562SE Map Centred (NGR): 425992 E , 262073 N				
	Scale: 1:1250	Plan: 1	Drawn By: RP/KW	Date: 01 May 2014	File No. TPO 485
	Development Services: P.O. Box 2178, Riverside House, Milverton Hill, Royal Leamington Spa. CV32 5QH				



T1 Californian Redwood

T2 Scots Pine