

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 20 December 2011 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

## 132. DECLARATIONS OF INTEREST

Minute Number 136 – W11/0193 – Barns 1 & 2, Plestowes House, Hareway Lane, Barford

Councillor Rhead declared a personal and prejudicial interest because he had registered to speak in support of the application, in his capacity as Ward Councillor. He therefore, left the meeting once he had addressed members whilst the item was debated.

Minute Number 137 – W11/0779 – 8 Hopton Crofts, Royal Leamington Spa

Councillors Brookes, Dean and Rhead declared personal interests because one of the neighbours was known to them.

Minute Number 138 – W11/1147 – 27 Charingworth Drive, Hatton Park, Warwick

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

Minute Number 139 – W10/0878 – Ashley House, 1 School Lane, Radford Semele

Councillor Brookes declared a personal interest because one of the neighbours was known to him.

Minute Number 141 – W11/0953 LB – Underpass at Leamington Spa Railway Station

All members of the Planning Committee declared personal interests because the application had been submitted by the District Council on behalf of the landowner.

Minute Number 142 – W11/1144 – Underpass at Leamington Spa Railway Station

All members of the Planning Committee declared personal interests because the application had been submitted by the District Council on behalf of the landowner.

## PLANNING COMMITTEE MINUTES (Continued)

### 133. **MINUTES**

The minutes of the meetings held on 29 November 2011 needed amendments and the Chairman, therefore, decided to defer these until the next meeting.

### 134. **W11/1364 - GUYS CROSS NURSING HOME, 120-122 COVENTRY ROAD, WARWICK**

This item was withdrawn from the agenda by the applicant.

### 135. **ENF 236/25/09 - BRETHERNS MEETING ROOM, SANDY LANE, BLACKDOWN, ROYAL LEAMINGTON SPA**

The Committee considered a report from officers regarding the authorisation of enforcement action on The Trustees of the Sandy Lane Meeting Room Trust for the unauthorised construction of a new vehicular access and driveway.

An addendum was distributed at the meeting which included letters submitted by, on behalf of or in support of the landowner.

Due to the late admission of information, it was agreed to defer this item to a later meeting date.

**RESOLVED** that ENF 236/25/09 be DEFERRED.

### 136. **W11/0193 – BARN 1 AND 2, PLESTOWES HOUSE, HAREWAY LANE, BARFORD**

The Committee considered an application from Mr Murdoch for a change of use from offices (Use Class B1) to 2 houses (Class C3) with minor alterations, including erection of previously permitted garaging and infilling of garaging to form additional living accommodation.

The application was presented to the Committee because the recommendation was contrary to the support from Barford, Sherbourne and Wasperton Joint Parish Council and objections had been received, including one from Environmental Health.

This item was deferred at the meeting on 29 November 2011 to allow a site visit to take place because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:

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

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

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

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

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

PA15 - Agriculture and Farm Diversification (West Midlands Regional Spatial Strategy)

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

It was the case officer's opinion that the development conflicted with the local plan policy RAP 1 (Directing new housing) which was designed to prevent the conversion of appropriate rural buildings to new dwellings.

The report questioned whether the development was an appropriate rural building for conversion in accordance with the criteria in local plan policy RAP7 and if the use of the barns as dwellings individually or collectively was likely to result in unacceptable harm to the living conditions of future occupants.

In addition the development could result in unacceptable restrictions in agricultural activities on the adjacent working farm and whether the loss of employment land and buildings inherent with an application for dwelling complied with the criteria of policy SC2 'Protecting Employment Land and Buildings.

Finally, the officer was concerned that the parking provision met the appropriate parking standards in accordance with local plan policy DP8 and the Parking SPD.

An addendum circulated at the meeting provided details of a further submission received from a representative of the neighbouring landowner.

The applicant, Mr Murdoch, addressed the Committee and highlighted the need for this development.

Mr Smith addressed members in objection to the application. He felt that sufficient need had not been demonstrated in the report and there was no evidence for marketing the properties for sale.

Councillor Rhead addressed the Committee in his capacity as District and Parish Councillor. He felt that a residential development was the best use of the dwelling and was encouraged that there had already been keen interest from two potential tenants, which he felt demonstrated a need. In addition, he advised that there had been no problems with the noise from the grain dryer in 30 years and the measures put in place by the developer would act as a buffer against any noise or dust. In conclusion, he urged members to approve the application and left the room whilst the item was debated.

Members were divided on the issue of the grain dryer with some not finding the noise a problem when they attended in the site visit and others feeling that the dust and noise would create problems for residents. In addition, Members were mindful that the Environmental Health officers were clear that agricultural buildings should not be in close proximity to dwellings.

It was proposed, and duly seconded, that the proposal be granted, contrary to the officers recommendation and in support of the Parish Council's view. A vote was taken and the motion was lost, 3 votes to 6.

It was therefore, proposed and duly seconded, that the proposal be refused, in accordance with the officers report due to the defined policies and the comments made by Environmental Health.

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

Following consideration of the report, presentation and addendum, along with the representations made at the meeting, the Committee were of the opinion that the application should be refused in accordance with the officers recommendations.

**RESOLVED** that W11/0193 be REFUSED for the following reasons:

- (1) the proposed development fails to meet the criteria within Warwick District Local Plan policy RAP1 relating to the direction of housing to sustainable locations to minimise travel requirements. Criteria d) relating to conversion of appropriate rural buildings states that their conversions to dwellings would only be permitted if all three sub criteria are met. These relate to need for the site to be within or adjacent to a village, and meet an unidentified local need and it is demonstrated that alternative non residential uses are not appropriate or viable. It is concluded that insufficient evidence has been submitted and has not been rigorously analysed to demonstrate that a non residential use is not appropriate or viable. There are no material considerations which outweigh the requirement to determine the application in accordance with the development plan;
- (2) the siting of the proposed dwellings relatively close to an established and substantial working farm yard unconnected with the owners or occupiers of the application site and which is the source of significant noise and other environmental issues would result in unacceptable harm the living conditions of future occupants of the those dwellings. This unacceptable harm would not be adequately mitigated by valid planning conditions to secure the omission of the proposed larger dwelling conversion in the barn which is nearest to the farmyard. Moreover it would not be mitigated by the provision of a higher standard of sound insulation since the quality of living conditions depends on the ability to open a window and to use the garden unfettered by noise and other environmental emissions. Furthermore it is inappropriate to limit the occupation of the dwellings to specific people. Since the development would cause unacceptable harm to living conditions it would conflict with Warwick District Local Plan Policy DP2;

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

- (3) the proposed conversion of rural buildings to dwellings in close proximity to a substantial working farm yard associated with a large farm enterprise would by reason of noise, particularly from the grain driers and other environmental matters, lead to legitimate requests by future occupants for unacceptable restrictions in the manner of agricultural operations within the farm yard such that it would not represent the promotion of agriculture in accordance with policy PA15 in the West Midlands Regional Spatial Strategy; and
- (4) the proposed use of the rural buildings for full time residential occupation would result in a legitimate planning objection relating to unacceptable living conditions of future occupants that cannot be controlled by an enforceable planning condition or planning obligation without unacceptable future restrictions of an existing agricultural enterprise, such that the conversion to dwellings would not be appropriate in accordance with Warwick District Local Plan Policy RAP7.

### **137. W11/0779 – 8 HOPTON CROFTS, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr Gill for the erection of a single width garage at the side of the dwelling.

The application was presented to the Committee due to the number of objections received, including one from Old Milverton and Blackdown Joint Parish Council.

A site visit took place on Saturday 29 November 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (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)

It was the case officer's opinion that the proposed development was of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings and did not result in

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

an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

An addendum circulated at the meeting advised members of an additional condition which dealt with the boundary fence, because officers felt it should be included for the avoidance of doubt.

Mr Russell addressed the Committee and represented a number of the residents of Hopton Crofts. They felt that the development was too large and highlighted to members that the extension should be subsidiary to the main building. Residents were also concerned that the dwelling was located on a busy corner, used by a number of pedestrians. In summary, they felt that the scale of the extension was over large and out of character with the surrounding area.

Mr Gill, the applicant, spoke in support of the application and advised members that consultation with planning officers had been extensive resulting in four re-designs of the plans. He advised that this was a family home, and the extension was purely to improve his family's living conditions.

Councillor Hammon addressed the committee in his capacity as Ward and Parish Councillor. He felt that a lot of the issues raised by residents could have been avoided through better consultation. He stated that this area should remain as a green space and the proposed garage would detract from the street scene and was contrary to the Residential Design Guide. He was also concerned about the negative impact the development would have on neighbours and urged members to refuse the application.

Most Members agreed that the site visit had been helpful in them reaching a decision and passed their congratulations to the planning officers for the extensive work that had taken place with the applicant.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation. Members were satisfied that an additional condition be added regarding the boundary fence for clarity.

**RESOLVED** that W11/0779 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number 004 Rev D and 005, and specification

## PLANNING COMMITTEE MINUTES (Continued)

contained therein, submitted on 10 August 2011 and 30 August 2011 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) a landscaping scheme for the area between the side of the garage and the edge of the Highway known as Hopton Crofts shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (4) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a suitable bound material for its whole length in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (5) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not be commenced until the existing vehicular access to the site has been widened/remodelled so as to provide an access of not greater than 5 metres or less than 3 metres as measured from the near edge of the public highway carriageway and shall be retained in perpetuity

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

and not increased in width without the prior written consent from the District Planning Authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (7) the access to the site shall not be reconstructed/widened in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (8) notwithstanding the details shown on drawing number 004 REV D, the boundary fence does not form part of this planning application and is not approved by this planning permission. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development i accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

### **138. W11/1147 – 27 CHARINGWORTH DRIVE, HATTON PARK, WARWICK**

The Committee considered an application from Mr Carter for the erection of a two storey rear extension, single storey rear extension and conservatory.

The application was presented to the Committee due to the number of objections received from neighbours.

A site visit took place on Saturday 17 December 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (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)  
RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)  
The 45 Degree Guideline (Supplementary Planning Guidance)  
Vehicle Parking Standards (Supplementary Planning Document)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Planning Policy Guidance 2 : Green Belts



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

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

Mr Ball addressed the Committee in objection to the application and represented himself and other residents. He felt that the development was overbearing and could cause a claustrophobic feeling. He made reference to a number of policies which he felt the development fell foul of. He stated that one concern was that the extension would increase the usable floor space of the dwelling by more than 60% and another was that the Juliette balcony created overlooking into the neighbouring garden.

Members stated that the site visit had been useful and asked for clarification on what the applicant would be able to build under permitted development rights. Officers clarified this issue and reminded members that when taking policy RAP2 (Extensions to dwellings) into account, they also had to be mindful of the aims of the policy as detailed in the Local Plan.

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

**RESOLVED** that W11/1147 be GRANTED subject to the conditions listed below:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) 211.2307.002B and specification contained therein, submitted on 08/09/11 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) prior to the occupation of the development hereby permitted, the first floor window in the flank elevation of the two storey rear extension 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

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

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 or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and

- (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. **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.

### **139. W10/0878 – ASHLEY HOUSE, 1 SCHOOL LANE, RADFORD SEMELE, ROYAL LEAMINGTON SPA**

The Committee considered an application from Ms M Ryan for the conversion and external alterations of existing nursery to seven flats, including nine parking spaces.

The application was presented to the Committee because it was contrary to the provisions of the Development Plan.

The property had previously been used as a children's nursery (class D1) but following the closure of the business, had been empty for three years. The applicant did not feel there was a viable need for retaining this use class due to the close proximity of another nursery. In addition, the building had been extensively marketed but only one organisation had shown an interest on a temporary basis. The applicant was therefore requesting that the building be converted for residential use however, no specific local need had been identified. Radford Semele Parish Council had been approached regarding this but were unwilling to carry out a local needs survey.

The case officer considered the following policies to be relevant:

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

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

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
The Reuse of Land and Buildings for Housing (Regional Planning Guidance 11 - June 2004)  
Open Space (Supplementary Planning Document - June 2009)

It was the case officer's opinion that the proposed conversion was acceptable which would harmonise with the surroundings and did not result in an unacceptable adverse impact on the amenity of nearby residents or cause harm to the street scene. The proposal was therefore considered to comply with the policies listed. Officers felt that it was more desirable for the property to be inhabited and not left vacant and, although no need had been evidenced, there was a clear District wide need for housing.

Members raised concerns that the wording of condition 5 was confusing and requested that officers look into this. Some members were reluctant to set a precedent of approving developments of this kind, without sufficient evidence to prove local need, because a Parish Council was unwilling to undertake a survey. The Chairman, Councillor Illingworth, directed the committee to the second paragraph on page 5/4 of the report, which explained how the advantages outweighed the conflict with Policy RAP1 and the creation of new dwelling units in the rural area without a local need.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the officers recommendations.

**RESOLVED** that W10/0878 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing numbers 002 Rev B and 003, and specification contained therein, submitted on 8 July 2010 and 2 November 2010 unless first agreed otherwise in writing by the District Planning Authority.

## PLANNING COMMITTEE MINUTES (Continued)

**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) notwithstanding the details shown on the plans in respect of the bin storage, details of their enclosure shall be submitted to and approved in writing by the District Planning Authority and the flats hereby permitted shall not be occupied until the bin store has been constructed in strict accordance with the approved plans. **REASON:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (4) no more than one access for vehicles shall be made or maintained to the site from School Lane. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (5) TO BE REWORDED BY OFFICERS:

*the development shall not be occupied until the existing vehicular access to the site has been widened/remodelled so as to provide an access of not less than 5 metres or greater than 5.5 metres, as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;*

- (6) the development shall not be occupied until all parts of the existing southernmost access within the public highway not included in the permitted means of access has been closed and the kerb and footway has been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (7) 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

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

at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and

- (8) the proposed car parking area for the development hereby permitted shall be constructed, surfaced with an impervious material, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be kept free of obstruction and be available for those purposes at all times thereafter. **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.

### **140. W11/0225 – TESCO SUPERMARKET, EMSCOTE ROAD, WARWICK**

The Committee considered an application from Tesco Stores Limited for the variation of conditions 5, 8 and 14 of planning permission W09/0144 to facilitate the removal of the 'lagoon' from the approved Tesco store extension scheme and replace with a porous car park solution.

The application was presented to the Committee due to the number of objections received, including one from Warwick Town Council.

A site visit took place on Saturday 17 December 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
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)  
Planning Policy Statement 25 : Development and Flood Risk  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)  
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

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

It was the case officer's opinion that the proposed development would not result in an unacceptable impact on the vitality and viability of existing town centres and sequentially preferable alternative sites were not available, suitable or viable. It was not felt that it would cause unacceptable harm to highway safety or congestion or pose an unacceptable flood risk or unacceptably harm nature conservation interests.

The officer felt that it would meet the renewable energy and sustainable energy requirements and with additional landscaping, it would not unacceptably harm the character and appearance of the area. It would thereby accord with the aforementioned policies and guidance in the Warwick District Local Plan 1996 to 2011.

An addendum distributed at the meeting contained details of the CCTV survey report. The report was undertaken to investigate the odour issuing from the foul drainage and following the Area Engineer's findings, it was proposed that Condition 13 be reworded. This would ensure that the situation was monitored in the future.

Members were satisfied that the changes proposed would give greater protection than the previous scheme allowed and were convinced by the expert opinions provided.

Therefore, the Committee were of the opinion that the application should be granted in accordance with the officers recommendations.

**RESOLVED** that W11/0225 be GRANTED subject to the following conditions, on completion of a supplementary agreement which will bind the applicant to the terms of the original Section 106 Agreement:

- (1) this permission shall be limited to a period of time expiring on 24 November 2013.  
**REASON** : Since this is an application under Section 73 of the Town and Country Planning Act 1990 for a minor material amendment and, therefore, the expiry date of this permission is as the original permission reference W09/0144;
- (2) the development shall be carried out strictly in accordance with the schedule of landscape maintenance submitted on 31 January 2011 (by Aspect Landscape Planning, dated November 2010) **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan.1996 to 2011;
- (3) the development shall be carried out strictly in accordance with the details submitted for the provision of litter bins and the storage of refuse submitted on 17 February 2011

## PLANNING COMMITTEE MINUTES (Continued)

(drawing no. 1556-700 Revision G). **REASON**  
: To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy DP1 of the Warwick District Local Plan 1996 -2011;

- (4) the development shall be carried out strictly in accordance with the proposed trolley management system including the proposed magnetic strip placed underground around the periphery of the site as submitted on 6 December 2011 (drawing no. 1556-1130 revision A Trolley retention). **REASON** The existing site has generated a trolley disposal problem for adjoining landowners which has the potential of conflicting with policies DP1 (I) and DP2 of the Warwick District Local Plan. The implementation of such details would go some way towards mitigating for this problem;
- (5) except where modified by specific subsequent conditions the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) - drawings no's 1556 - 1115 Rev.E3 - (proposed site plan) submitted on 29 November 2011; 1556-1108 Rev.C (proposed roof plan) submitted on 22 June 2010; 1556-1109 Rev.A (proposed elevations) submitted on 22 June 2010; 1556-700 Rev.G (proposed recycling areas) submitted on 17 February 2011; 1556-1117 (proposed floor plans); 1556-1718 (footpath to east of store extension) submitted on 7 October 2011; SK01 (new path earthworks assessment) submitted on 7 October 2011, and the specifications contained therein, unless first agreed in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Warwick District Local Plan 1996 - 2011 policies DP1 and DP2;
- (6) at no time shall the maximum net (sales) floor space of the store exceed 4748 square metres made up of a maximum of 3703 square metres devoted to convenience goods representing 78% of the total proposed net (sales) floor space and a maximum of 1045 square metres devoted to comparison goods representing 22% of the net (sales) floor space. **REASON** To define the scope of the permission and to limit the comparison goods sales so as not to unacceptably harm the viability and vitality of

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town centres in accordance Warwick District Local Plan policies UAP3 and TCP1;

- (7) the bulk store extension floor space shall be used for frozen and chilled food, bulk storage and other purposes ancillary to the store and not at any time for net retail trading floor space.  
**Reason.** To maintain control over the use of the extension to protect the viability and vitality of the town centres in accordance with Warwick District Council Policies UAP 3 and TCP1;
- (8) the development shall be carried out strictly in accordance with the ecological management activities specified in the Nature Conservation Management Plan (ref. ECO1208.NCMP,vf4) submitted on 18 October 2011, produced by Aspect Ecology with the stated aim of maintaining a mosaic of habitats across the site for the benefit of invertebrates involving the specified initial works and ongoing management actions for the whole of the period of 2008 to 2012 including the erection of a Nature Conservation Area interpretation board. **REASON** The site is part of the designated Ecosite 'Emscote Road Power Station and it is necessary to manage the remaining parts of the site and compensate for the further development of the Ecosite resulting from the development. It would thereby accord with the Warwick District Local Plan 1996 - 2011 policies DP3 and DAP3;
- (9) if during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the District Planning Authority) shall be carried out until either:
- A site investigation has been designed and undertaken, a risk assessment has been produced and a method statement detailing the remediation requirements using the information obtained from the site investigation has all been submitted to and approved by the District Planning Authority or;
- If the above has previously been undertaken, the developer has submitted to and approved in writing by the District Planning Authority an addendum to the method statement detailing how this unsuspected contamination shall be



## PLANNING COMMITTEE MINUTES (Continued)

dealt with. **REASON:** To ensure that the development complies with approved details in the interests of protection of controlled waters and in compliance with policy DP9 in Warwick District Local Plan 1996-2011;

(10) the development permitted by this planning permission shall only be carried out in accordance and in conjunction with the approved DPP Sustainable Buildings Statement and the details in the Faithful Gould (FG) appendix 1 dated November 2009 (reference 500103/R0008aw) together with the FG Addendum dated February 2010. The development hereby permitted shall not be brought in use until all of the following has occurred;

- The detailed specifications of the proposed bio diesel Combined Heat and Power (CHP) plant and exhaust flue including the specification for a suitable acoustic enclosure to control noise from both the generator and exhaust flue have been submitted to and approved in writing by the District Planning Authority.
- The approved equipment including the installation of bio diesel Combined Heat and Power (CHP) plant positioned in accordance with figure 2, page 14 of the FG report together with an above ground double skinned fuel tank specified in the FG addendum has been installed and is fully operational.

**REASON:** To ensure that the development incorporates the energy efficiency measures in accordance with Warwick District Local Plan 1996 - 2011 policies DP12. To ensure, also, that the specification for the proposed equipment to comply with the policy of ensuring that the predicted energy requirements to be produced on site from renewable energy resources will actually deliver the renewable energy requirement and not cause unacceptable pollution problems, thereby complying with policy DP13 of Warwick District Local Plan 1996 - 2011;

(11) the equipment approved by the previous condition shall operate for a minimum of 4620 hours per year and deliver 15Kw electrical and 18Kw thermal output. The site owner/occupiers shall allow officers of the Council to make annual inspection audits of the equipment and provide records and evidence that these

## PLANNING COMMITTEE MINUTES (Continued)

parameters have been achieved. **REASON:** To ensure, also, that the specification for the proposed equipment to comply with the policy of ensuring that the predicted energy requirements to be produced on site from renewable energy resources will actually deliver the renewable energy requirement and not cause unacceptable pollution problems, thereby complying with policy DP13 of Warwick District Local Plan 1996 – 2011;

- (12) 'White Goods' and luggage shall not be sold at the site. For the purposes of this condition 'white goods' is defined as Large or heavy domestic appliances with the categories of refrigeration equipment, cooking appliances, washing equipment and miscellaneous. Examples of appliances within these categories include all sizes and types of the following: freezers, refrigerators, cookers, microwave ovens, washing machines, clothes dryers, washer dryers, dishwashers and air conditioners. **Reason:** To limit the range of comparison goods sales so as not to harm unacceptably the viability and vitality of town centres in accordance Warwick District Local Plan policies UAP3 and TCP1;
- (13) the development shall be retained strictly in accordance with the details of works for foul water drainage submitted on 9 December 2011 (Drawing no's 3995-5001; 3995-5002; 3995-5003; 3955-5004) **Reason:** To address current odour emission issues thought to emanate from drains and to ensure that odour emission is not made worse in accordance with policy DP9 of the Warwick District Local Plan 1996 to 2011;
- (14) no part of the developments hereby permitted shall be brought into use until the following flood risk management measures set out in the Flood Risk Assessment (FRA) of White Young Green (V5 submitted on 10 May 2011) and Addendum to the Flood Risk Assessment V5 (submitted on 7 October 2011) are fully implemented including floodplain mitigation storage, the proposed permeable paving with tanked permeable sub-base serving the proposed car park extension and the proposed open graded granular material filled trench adjacent to the proposed main extension in accordance with the details set out within the FRA and Addendum. The development

## PLANNING COMMITTEE MINUTES (Continued)

permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment for Tesco Retail Store Extension at: Emscote Road, Warwick compiled by White Young Green Consulting Engineers and the Addendum and the following mitigation measures detailed within the FRA:

1. *Limiting the surface water run-off generated by the 1 in 100 yr plus climate change (20%) so that it will not exceed the run-off from the undeveloped section of the site and not increase the risk of flooding off-site, as detailed in the FRA section 6.2*
2. *Provision of compensatory flood storage, as detailed in the FRA section 6.1 providing 56.8m<sup>3</sup> of self draining floodplain storage.*
3. *Provision of surface water mitigation measures, permeable paving with tanked sub-base and underground trench, as detailed in the FRA section 6.2 and drawing number 3955 SERV 5000 IN2 within Appendix L*
4. *Finished floor levels are set no lower than 48.55 m above Ordnance Datum (AOD).*
5. *A business flood plan will be prepared and membership of the Environment Agency Flood Warning Service as detailed in FRA 6.3*

**REASON:** To ensure the key mitigation measures are in place before there is any further encroachment of development within the flood plain providing timely mitigation of the potential flood risk to the existing and proposed developments on both the application and adjacent linked sites. The development as a whole should be implemented in accordance with the requirements of the FRA. This would thereby ensure that the proposed development would be in accordance with Warwick District Local Plan 1996 -2011 policies DP10 and DP11; and

- (15) the development shall be implemented in accordance with the final revised landscaping supporting statement and planting scheme designed to modify the planting scheme in accordance with the Aspect Landscaping proposed planting plans ASP4(a) and (b), REV J. The approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years

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

of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : The final revised landscaping scheme represents an appropriate balance between parking needs and the provision of meaningful planting to break up visually the expanse of the car park and the enlarged building and to reduce rainwater run off. This is necessary to comply with policies DP1, DP8/ Vehicle Parking Standards and DP 11 of the Warwick District Local Plan 1996-2011.

### **141. W11/0953 LB – UNDERPASS AT LEAMINGTON SPA RAILWAY STATION, OLD WARWICK ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from Network Rail Infrastructure Ltd for the display of 16 marine ply boards on batons onto both sides of the Leamington Railway Station underpass, featuring figures and scenes of historical interest in hillograph style, and to paint the walls of the underpass.

The application was presented to the Committee because Warwick District Council had submitted the application on behalf of the landowner.

The case officer considered the following policies to be relevant:

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

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

It was the case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Listed Building. The proposal was therefore considered to comply with the policies listed.

The proposal to install murals in the underpass at Leamington Spa Railway Station was part of environmental improvements in Leamington. The Council's Conservation officer had been part of the working party that discussed this project and it was felt that the use of murals relating to the history of Leamington would be appropriate in this location.

It was important that the murals were adequately mounted and given some form of protection, although this could be difficult in this particular location. This concern would be addressed by mounting the murals on batons, which would have a minimal impact on the underpass structure and could also, be removed at a short notice if required. The murals would also have a protective coating, which would allow cleaning the surface of the mural and prevent damaging it.

In conclusion, given that the proposal was of a consistent style and having a context relating to the town, it would be a very good use of the space which alternatively could have been used for a whole variety of

## PLANNING COMMITTEE MINUTES (Continued)

advertisements or left in its current rather unappealing state. As such, the proposed development to install murals in the underpass at Leamington Spa Railway Station would preserve the character and appearance of the Listed Building.

This item was taken in conjunction with W11/1144, which dealt with the advertising consent for the application.

Members felt that this was an excellent step forward in reinvigorating this area of the station but were saddened that the proposal had to be designed around the possibility of vandalism. The Committee wished to express their gratitude to the working party, officers and members for their hard work on this project.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the officers recommendations.

**RESOLVED** that application W11/0953 LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing: Site Location Plan and design of the murals submitted, and specification contained therein, submitted on 22 August 2001 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DAP4 and DAP7 of the Warwick District Local Plan 1996-2011; and
- (3) no development shall take place until details of the colour scheme for the painting of the walls has been submitted to and approved by the District Planning Authority. **REASON**: To ensure a high standard of design and appearance for this Listed Building and to satisfy policy DAP4 of Warwick District Local Plan 1996-2011.

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

### **142. W11/1144 – UNDERPASS AT LEAMINGTON SPA RAILWAY STATION, OLD WARWICK ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from Network Rail Infrastructure Ltd for the display of 16 marine ply boards on batons onto both sides of the Leamington Railway Station underpass, featuring figures and scenes of historical interest in hillograph style, and to paint the walls of the underpass.

The application was presented to the Committee because Warwick District Council had submitted the application on behalf of the landowner.

The case officer considered the following policies to be relevant:

DAP4 - Protection of Listed 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)

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

It was the case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property was situated. The proposal was therefore considered to comply with the policies listed.

This item was taken in conjunction with W11/0953 LB, which dealt with the listed building permissions for the application.

This application was to consider the advertising consent for the installation of sixteen non-illuminated murals along the length of the underpass at Leamington Spa Railway Station. The proposal was to paint the walls of the underpass in a bright, neutral colour before the murals were fixed to the wall. The murals would be painted on marine ply, measuring 8 feet (2.4 metres) in height and 4 feet (1.2 metres) in width, which would be fixed on to wall mounted batons along the underpass.

The aim of the proposal was to benefit the area by creating a feature within the underpass that would both enhance the structure and reduce the opportunities for small scale criminal damage i.e. graffiti.

Members felt that this was an excellent step forward in reinvigorating this area of the station but were saddened that the proposal had to be designed around the possibility of vandalism. The Committee wished to express their gratitude to the working party, officers and members for their hard work on this project.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the officers recommendations.

## PLANNING COMMITTEE MINUTES (Continued)

**RESOLVED** that application W11/1144 be GRANTED with standard advertisement conditions as required by the Advert Regulations, and subject to:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved images of murals and specification contained therein, submitted on 22 Aug 2011 unless first agreed otherwise in writing by the District Planning Authority.

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

### 143. **W11/1274 LB – 52 BRIDGE END, WARWICK**

The Committee considered an application from Mr Ray for the provision of new glazed openings between existing timbers to the rear gable above workshop / outbuilding.

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

The original plans had been amended, following negotiations with officers, and the revised proposal was for a simple pair of side hung casements with a traditional, vertical, emphasis, which would be constructed in oak. This design was considered to properly respect the character of the Listed Building and it was not felt that it would alter the timber framing.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building and was of an acceptable standard of design and detailing. The proposal was therefore considered to comply with the policies listed.

An addendum was distributed at the meeting which advised that an additional plan had been received which provided large scale details and had been accepted by the Principal Conservation Architect. On this basis it was proposed that Condition 3 be deleted and Condition 2 be amended accordingly.

Members agreed with the officers that this was an excellent use of glazing on a listed building.

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

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted subject to the removal of condition 3 and the amendment to condition 2, as per the addendum.

### **RESOLVED** that

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) 06/037/24A, 06/037/25 and specification contained therein, submitted on 25 November 2011 and 16 December 2011 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

#### 144. **ENF 095/13/11 – 49 HUMPHRIES STREET, WARWICK**

The Committee considered a report from officers requesting that enforcement action be authorised for the removal of a raised decking platform in its entirety and the materials removed from the land. This was proposed with a compliance period of one month.

In April 2011 it was brought to the attention of the enforcement section that a raised timber decking platform had been erected at the rear of the property, a terraced house divided into 2 flats. The platform extended out from the rear of the property, from ground to first floor level, resulting in the overlooking of rear living areas of the adjoining properties.

The owner, Mrs Tan had been informed that planning permission for the structure was required and despite assurances that it would be removed, it remained in situ. The officers felt that the only option remaining to resolve this breach of planning control was by the service of an Enforcement Notice.

A site visit took place on Saturday 17 December 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:

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

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



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

It was the case officer's opinion that the present structure was of a height and in a location in relation to adjoining properties that a retrospective planning application to retain it would not be supported because of the impact on the residential amenities of the adjoining residential property.

Members were satisfied, having received the report and undertaking the site visit, to approve enforcement action as per the officers' recommendations. Concerns were raised, however, as to the legalities of including a condition which would prevent the door opening being used, once the decking was removed. It was agreed that although the duty of care would lie with the Building Regulations department, an advice note would be added to the decision to highlight the Committee's concerns to the relevant officers.

Following consideration of the report and presentation, the Committee were of the opinion that enforcement action should be authorised.

### **RESOLVED** that

- (1) enforcement action ENF 095/13/11 be AUTHORISED to ensure the raised decking platform is removed in its entirety and the materials removed from the land; and
- (2) the period of compliance to be one month.

(The meeting ended at 9.20 pm)