

Planning Committee

Minutes of the meeting held on Tuesday 28 April 2015 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Apologies for absence were received from Councillors Boad and Rhead.

The Chairman thanked Bishop's Tachbrook Parish Council for its participation in the Asps Appeal.

184. **Substitutes**

Councillor Mrs Syson substituted for Councillor Boad and Councillor Mrs Higgins substituted for Councillor Rhead. Councillor Mrs Falp filled the Independent Group vacancy.

185. **Declarations of Interest**

Minute Number 188 – W14/1865 – Grove Farm, Harbury Lane, Bishop's Tachbrook

Councillor Brookes declared an interest because he had previously objected to this application, but this was a revised scheme so he had an open mind. The application site was in his Ward.

Councillor Mrs Higgins declared an interest because she knew Councillor Bullen, who was speaking on behalf of the Parish Council.

Minute Number 189 – W15/0177 - Land at Brickyard Barn, Mallory Road, Bishop's Tachbrook

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

Minute Number 190 – W15/0178 – 24 Church Hill, Bishop's Tachbrook

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

Minute Number 191 – W15/0256 – Units 3 and 5A, Princes Drive, Kenilworth

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

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 192 – W15/0035 – Petrol Filling Station, 130 Rugby Road, Royal Leamington Spa

Councillor Mrs Higgins declared an interest because, as Chairman of the Conservation Advisory Forum, she had twice previously discussed this application.

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

Minute Number 193 – W15/0258 – Park View Residential Home, Priory Road, Warwick

Councillor Mrs Bromley declared an interest because she would be speaking on the application, representing local residents. She would leave the room after she had spoken until the decision had been made.

Councillor Mrs Higgins declared an interest because the application site was in her Ward. She had met with the Runwood Directors two years ago.

Minute Number 195 – W15/0334 – 62 The Fairways, Royal Leamington Spa

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

186. Site Visits

There were no site visits.

187. Minutes

The minutes of the meeting held on 31 March 2015 and 1 April 2015 were agreed and signed by the Chairman as a correct record subject to correcting the application reference W15/1865 to W14/1865, and also deleting reference to Councillor Mrs Bromley being Ward Member for application W15/0083 in the Declarations of Interest.

188. W14/1865 – Grove Farm, Harbury Lane, Bishop's Tachbrook

The Committee considered an application from AC Lloyd Limited for reserved matters on the layout, scale and appearance of 90 dwelling houses, comprising one and two story housing together with associated garages, parking facilities, infrastructure and drainage, forming Phase 1 of the Grove Farm Harbury Lane development granted under outline planning permission W14/0023.

The application was presented to the Committee because of the number of objections received from local residents and an objection from Bishop's Tachbrook Parish Council.

This application was deferred from the last Planning Committee meeting on 31 March 2015 to enable the applicant to address concerns raised by Members with regard to the provision of a wider spread of affordable housing units across the site.

PLANNING COMMITTEE MINUTES (Continued)

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

RAP1 - Directing New Housing (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)
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)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS6 - Level of Housing Growth (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
DS11 - Allocated Housing Sites (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS13 - Allocation of Land for a Country Park (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H2 - Affordable Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

PLANNING COMMITTEE MINUTES (Continued)

H4 - Securing a Mix or Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
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)
TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR2 - Traffic Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR3 - Transport Improvements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NP1 - Neighbourhood Plans (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)
FW4 - Water Supply (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Affordable Housing (Supplementary Planning Document - January 2008)
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)
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)

It was the officer's opinion that the proposed development was considered to provide a high quality residential environment in accordance with the garden suburbs principles, including an appropriate mix of market and affordable housing and acceptable dwelling house and layout design solutions, including public open space, relevant to this particular phase of the development. The scheme therefore complied with the policies listed.

The Planning officer advised that an amended recommendation was now being made to Members. The applicant would be meeting with the Parish Council and Planning officers on Friday to sort any minor revisions to the scheme. He asked Members to authorise officers to issue the decision following the meeting.

The following people addressed the Committee:

- Councillor Bullen, on behalf of Bishop's Tachbrook Parish Council, which had objected to the application; and

PLANNING COMMITTEE MINUTES (Continued)

- Mr Clarke, who spoke on behalf of the applicant.

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

Resolved that on application W14/1865, delegated authority is given to Planning officers, in consultation with the Chairman or Vice Chairman of the Planning Committee, to issue the decision following a meeting, between the Planning officers, the Parish Council and the Developer, incorporating any agreed minor revisions to the scheme.

189. W15/0177 – Land at Brickyard Barn, Mallory Road, Bishop’s Tachbrook

The Committee considered an application from Sun Glow Power Limited for the installation of a storage container to be used in association with the approved Solar Farm (reference W13/1608).

The application was presented to the Committee because an objection had been received from Bishop’s Tachbrook 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)

NE4 - Landscape (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

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)

National Planning Policy Framework

It was the officer’s opinion that Highway access, ecology and flooding matters were all considered in detail as part of the original solar farm application W13/1608. The proposed storage container raised no further issues in this respect.

An addendum provided at the meeting advised that Bishop’s Tachbrook Parish Council would withdraw its objection if there was a condition stating that there should be planting around the container to shield it from residents. Planning officers, however, noted that the container was set within the fenced compound adjacent to the solar arrays and it was not considered practical or necessary to require additional planting within this location. The wider site was already subject to additional landscaping, conditioned under the original proposal.

PLANNING COMMITTEE MINUTES (Continued)

Councillor Bullen addressed the Committee, representing Bishop's Tachbrook Parish Council, which had objected to the application. He reiterated the information contained within the addendum.

Following consideration of the report, presentation, information contained in the addendum and the representation made at the meeting, the Committee

Resolved that application W15/0177 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) S.0489_05-A, & BR 004-15, and specification contained therein, submitted on 09/02/15. **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 storage container hereby permitted shall be completely removed and the site restored to its former condition if it is (a) no longer required for storage purposes in association with the solar farm; or (b) the solar farm use ceases on site. **Reason:** The storage container has been granted in the instance given its appropriate context and relationship with the solar farm site in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;
- (4) within one month of the installation of the storage container it shall have been colour coated 'Holly Green' in full accordance with the details in the application documentation and retained as such at all times thereafter. **Reason:** To ensure that the storage container hereby approved is colour coated in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (5) further landscaping be added to screen the storage container.

PLANNING COMMITTEE MINUTES (Continued)

190. **W15/0178 – 24 Church Hill, Bishop’s Tachbrook**

The Committee considered an application from Mr Edworthy for the proposed demolition of an existing attached garage and the construction of a two storey side extension.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

Current Local Plan

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)

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

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

Emerging Local Plan

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)

CC2 - Planning for Renewable Energy and Low Carbon Generation (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)

TR4 - Parking (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)

Guidance Documents

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Vehicle Parking Standards (Supplementary Planning Document)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the officer’s opinion that the proposed two storey side extension was considered to be of acceptable design and scale which would not impact adversely on the character or appearance of the street scene and did not

PLANNING COMMITTEE MINUTES (Continued)

substantially impact on the amenity of neighbouring properties which would support a reason for refusal.

Councillor Bullen addressed the Committee, representing Bishop's Tachbrook Parish Council, which had objected to the application.

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

Resolved that application W15/0178 be **deferred** pending a site visit to assess the impact on the neighbouring properties.

191. W15/0256 – Units 3 and 5A Princes Drive, Kenilworth

The Committee considered an application from Grafton Merchanting Green Belt Limited for the demolition of the existing warehouse (Class B8) and replacement with a storage yard, storage building, access vehicle parking and conversion of existing building to provide builders merchants (Sui Generis).

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

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)

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

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

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

The Emerging Local Plan

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)

DS8 - Employment Land (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)

Vehicle Parking Standards (Supplementary Planning Document)

PLANNING COMMITTEE MINUTES (Continued)

It was the officer's opinion that the proposed development involving the retention of local employment and the reuse of vacant buildings within the Kenilworth area was acceptable and that sufficient evidence had been provided to weigh in favour of granting planning permission

An addendum provided at the meeting gave details of a further letter of objection that had been received on the grounds of noise and proximity to houses, increased traffic from HGVs and irresponsible parking. The objector stated that there had been little coverage that the company wished to move to Princes Drive, rather than stay at Warwick Road as the focus had been on the Priory Road site for the Kenilworth Railway Station.

The addendum also advised an alteration to the wording of Condition 7 recommended in the report.

The following people addressed the Committee:

- Mr Mead, a local resident, who stated he was representing other local residents living on Crackley Hill who were objecting to the application; and
- Mr Welchman, who represented the planning agents on behalf of the applicant.

Members had concerns about the proposed colour (bright red) of the units and parking and manoeuvring problems at the site, especially in respect of HGVs. There were also concerns about the hours permitted for deliveries and opening hours. It was felt that a site visit was required to look at how local residents would be affected before making a decision.

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

Resolved that application W15/0256 be **deferred** pending a site visit.

192. **W15/0035 – Petrol Filling Station, 130 Rugby Road, Royal Leamington Spa**

The Committee considered an application from Asda Stores Limited for the display of various internally illuminated and non-illuminated advertisements, including advertisements on the building and a free-standing totem sign. This was a retrospective application.

The application was presented to the Committee because of the number of objections received and the receipt of an objection from Royal Leamington Spa Town Council.

The officer considered the following policies to be relevant:

The Current Local Plan

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

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

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

The Emerging Local Plan

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)

It was the officer's opinion that the proposed canopy and totem signs caused unacceptable harm to the character and appearance of the adjacent Conservation Area. The other signs were considered to be acceptable in terms of the impact on the setting of the Conservation Area, the impact on the living conditions of neighbouring dwellings, and public safety. As some of the signs were considered to be acceptable and some not, the applicant had requested that a split decision be issued, which was within the scope of the Advertisement Regulations. Therefore, it was recommended that a split decision be issued which refused advertisement consent for the canopy and totem signs and grants advertisement consent for the other signs.

An addendum distributed at the meeting provided details of further comments received from a neighbour who objected to the proposed click and collect lockers and concerns about the impact of the signage on the Conservation Area. It also gave details of further comments from the applicant who was concerned about one of the statements in the Summary/Conclusion of the officer's report, which could imply that they were satisfied with the recommendation to refuse consent for the totem and canopy elements of the application. The applicant felt that all aspects of the application were appropriate for the grant of advertising consent.

The officer informed Members that the click and collect lockers had been the subject of another planning application, which had been refused that day.

The following people addressed the Committee:

- Mr Jones who was part of Asda's town planning team; and
- Councillor Gifford, speaking as Ward Member against the application.

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

Resolved that on application W15/0035:

- (1) advertising consent is **refused** for the totem sign and the fascia signs on the canopy, for the following reason;

PLANNING COMMITTEE MINUTES (Continued)

Reason for refusal:

- (1) Policy DAP8 of the Warwick District Local Plan states that development will be expected to respect the setting of Conservation Areas and important views both in and out of them.

The application site adjoins the boundary of the Royal Leamington Spa Conservation Area. When viewed from the Conservation Area the proposed totem sign and canopy signs appear as an unduly assertive forms of advertising that detract from the historic character and appearance of the area. Therefore, in the opinion of the local planning authority, the proposals cause unacceptable harm to the setting of the Conservation Area.

The totem and canopy signs are therefore contrary to the aforementioned policy.

- (2) advertising consent is **granted** subject to conditions for all of the other signs.

Conditions (in addition to the five standard advertisement conditions):

- (6) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (200)08C (except for the totem sign and canopy fascia signs which are not approved), (300)03G (except for the totem sign and canopy fascia signs which are not approved), (300)04D, A02 & A06A, and specification contained therein, submitted on 23 March 2015 & 14 April 2015. **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;
 - (7) the illuminated advertisements hereby permitted shall only be illuminated by white light. **Reason:** To ensure a high standard of design and appearance within the Conservation Area, and the satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011; and
 - (8) none of the signs hereby permitted shall be illuminated between the hours of 2300 and 0700. **Reason:** To protect the living conditions of neighbouring dwellings, in accordance with Policy DP2 of the Warwick District Local Plan.
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193. **W15/0258 – Park View Residential Home, Priory Road, Warwick**

The Committee considered an application from Runwood Homes Plc for a variation of Condition 2 of planning application reference W13/0941 (Erection of 62 bedroom care home following demolition of existing, with a new car parking and servicing) to allow for a minor material amendment to the approved drawings for the inclusion of a three storey extension to the rear elevation.

The application was presented to the Committee because of the number of objections received and following a request from Councillor Mrs Bromley.

The officer considered the following policies to be relevant:

National Planning Policy Framework The Current Local Plan

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (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)
DP14 - Crime Prevention (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)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

HS7 - Crime Prevention (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)
NE4 - Landscape (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)

PLANNING COMMITTEE MINUTES (Continued)

HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC3 - Buildings Standards Requirements (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H5 - Specialist Housing for Older People (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
DS3 - Supporting Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
DS7 - Meeting the Housing Requirement (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
Open Space (Supplementary Planning Document - June 2009)

It was the officer's opinion that the proposed extension would have a neutral impact on the character of the surrounding area and would not adversely impact on the amenities of existing or future residents and therefore complied with the policies listed and the NPPF.

An addendum provided at the meeting gave information about a query raised by Councillor Mrs Bromley with regards to a Western Power easement that crossed the site. It had been clarified that Western Power did have an easement for underground cables adjacent to Park View. A plan was shown in the addendum showing the approximate area affected.

Councillor Mrs Bromley addressed the Committee on behalf of the tenants of the Home who objected to the application. She made reference to concerns that on-going building work at the site was causing significant problems and these were not being properly managed. The Planning officer informed Members that officers had worked very closely with the developer to resolve the issues. It had been made clear that there were to be no more breaches of conditions and noise levels. The Council's Solicitor reminded Members that they were to consider the application before them for a variation to a condition only, and should not be considering nuisance issues and breaches of conditions.

PLANNING COMMITTEE MINUTES (Continued)

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

Resolved that application W15/0258 be **granted** subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the 2nd October 2013. **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 WD05 REV C; WD04A; PA02; PA03; PA04; WD01 REV G; WD02 REV B; WD03 REV D submitted on 13th March 2015 and specification contained therein, 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) the development hereby approved shall only proceed in accordance with samples of all external facing materials to be used for the construction of the development hereby permitted which shall be submitted to and approved in writing by the District Planning Authority. Thereafter the 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) notwithstanding the details included in the application, the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include 2m high boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The

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hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the building hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. The soft landscaping scheme must include all aspects of landscaping including details of native species to be planted and the tree species to be planted in compensation of lost trees. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. 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, DAP8 and DP3 of the Warwick District Local Plan 1996-2011;

- (5) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. 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

PLANNING COMMITTEE MINUTES (Continued)

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;

- (6) 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 and associated structures to be demolished. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are 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 time scales 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. In order to discharge this 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;
- (7) arboricultural works on the two cherry trees shall be carried out in accordance with the submitted Protected Species Survey report and under the supervision of a suitably qualified bat worker. No trees shall be cross cut in close proximity to cavities or hollows. Any sections containing cavities or hollows shall be carefully lowered to the ground and left with openings exposed for a minimum of 24 hours after felling to allow any bats that could be present to leave of their own accord. **Reason:** To safeguard the presence and population of a

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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 not be occupied until the public highway A445 Priory Road has been improved so as to provide for a widened section of footway within the vicinity of the junction of A445 Priory Road/Smith Street in accordance with a scheme submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. The footway at its narrowest point is 0.8 metres which in accordance guidance would not accommodate a mobility scooter. The widening is minor, providing an addition 200mm to enable these vehicles to access local services within this area. **Reason:** In the interests of highway safety in accordance with Policies DP6 and SC4 of the Warwick District Local Plan 1996-2011;
- (9) prior to commencement on site and following completion of the development, a joint survey shall be undertaken with the County's Area Surveyor/Locality Officer to agree the condition of the public highway. Should the public highway be damaged or affected as a consequence of the works being undertaken during the development of the site, the developer will be required to undertake work to remediate this damage as agreed with the Area Surveyor/Locality Officer (Area Team – County Highways). **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;
- (10) the development hereby permitted shall not commence until details of all external light fittings and external light columns 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. In discharging this condition the local planning authority expects lighting to be restricted on the north west side of the new building (by boundary of Priory Park) and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This

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could be achieved in the following ways:

- low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps;
- the brightness of lights should be as low as legally possible;
- lighting should be timed to provide some dark periods;
- connections to areas important for foraging should contain unlit stretches

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;

- (11) the development (including any works of demolition) shall proceed only in strict accordance with a Traffic and Construction Management Plan which has been submitted to and approved in writing by the local planning authority in consultation with the Highway 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;

- (12) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable

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energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

Reason: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and

- (13) notwithstanding the information already submitted, the applicant shall submit an amended Green Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time. The plan shall:

(i) specify targets for the proportion of employees and visitors travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;

(ii) set out measures designed to achieve those targets together with time scales and arrangements for their monitoring, review and continuous improvement;

(iii) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

Reason: In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies SC12 & SC4 of the Warwick District Local Plan 1996-2011.

(Councillor Mrs Bromley left the room after she made her speech to the Committee and returned after the decision had been made.)

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At 8.12pm, the Chairman called for a short recess. The meeting re-convened at 8.22pm.

194. Certificates of appropriate alternative Development: Land at 3 Hodgetts Lane, Burton Green, Kenilworth

The Committee considered applications from Mr and Mrs Cook for a Certificate of Appropriate Alternative Development under the terms of the Land Compensation Act 1961, Section 17 as substituted by Section 63 of the Planning and Compensation Act 1991.

The applications' proposals were for:

- (1) the proposed raising of the roof of the existing dwelling by up to 0.6 metres to facilitate the provision of a loft conversion to provide additional living accommodation (to include two double bedrooms, two en suite bathrooms and a study area); and
- (2) the demolition of the existing dwelling and its replacement with a five bedroomed detached property.

Mr and Mrs Cook had submitted the applications subsequent to an order required by HS2 Limited to compulsorily purchase their property. Legislation had been enacted to facilitate the delivery of the HS2 proposal and it assisted homeowners to realise an appropriate financial return upon compulsory purchase of a property.

A Certificate of Appropriate Alternative Development did not comprise a planning permission and did not permit development to be undertaken. It was intended to identify development which was considered to be acceptable and likely to obtain planning permission (were an application to be made) in order to assist in the valuation (for the purpose of compulsory purchase) of the property in question.

The officer considered the following policies to be relevant:

The National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
RAP2 - Extensions to Dwellings (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)
RAP3 - Replacement Dwellings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

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BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

CC3 - Buildings Standards Requirements (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)

NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

H13- Replacement Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 – Publication Draft)

Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)
Sustainable Buildings (Supplementary Planning Document - December 2008)

The 45 Degree Guideline (Supplementary Planning Guidance)

It was the officer's opinion that in respect of the first proposal, planning permission would be granted for a proposal not exceeding an increase of 30% of the original size of the dwelling and that conditions would be imposed to control the facing and roofing materials of the proposal; any adverse impact on bats; the provision of 10% renewable energy/reduction in carbon emissions; and to control any first floor side facing windows proposed.

In respect of the second proposal, should a planning application be submitted, planning permission would be granted in the circumstances where the siting, design and external appearance of the replacement dwelling were such that that it was not materially larger than the existing dwelling and was acceptable in visual terms; there would be no unacceptable impact on the neighbours' amenity; and where parking provision could be made in accordance with the District Council's parking standards.

It was considered that conditions would be imposed to control the facing and roofing materials of the proposal; any adverse impact on bats; the provision of 10% renewable energy/reduction in carbon emissions; and to control any first floor side facing windows proposed; the provision and maintenance of the required level of car parking; and to control other development that could be undertaken within the site.

Members were informed that if HS2 did not go ahead, the decision made by them would not form planning permission and such permission would have to be sought before commencing any works.

Following consideration of the report and presentation, the Committee

Resolved that officers are authorised to issue a Certificate of Alternative Development for proposals 1

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and 2, to certify that planning permissions would be granted subject to the conditions identified in respect of those proposals.

195. W15/0334 – 62 The Fairways, Royal Leamington Spa

The Committee considered an application from Mr Singh Malhi for the erection of a two storey rear extension, erection of front porch and roof alterations including the erection of a pitched roof front dormer window to replace the existing one.

The application was presented to the Committee because of the number of objections received and the receipt of an objection from Royal Leamington Spa Town Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

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)

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

The Emerging Local Plan

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)

CC2 - Planning for Renewable Energy and Low Carbon Generation (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)

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Vehicle Parking Standards (Supplementary Planning Document)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the officer's opinion that the proposed two storey rear extension, pitched roof dormer window extension to the front roof slope and front

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porch extension were 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 did not substantially impact on the amenity of neighbouring properties which would support a reason for refusal.

Following consideration of the report and presentation, the Committee

Resolved that application W15/0334 be **deferred** pending a site visit.

196. **W15/0135 – Ribbons, Rowington Green, Rowington**

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

The application was presented to the Committee because of the number of objections received and receipt of an objection from Rowington Parish Council.

The officer considered the following policies to be relevant:

The National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
RAP2 - Extensions to Dwellings (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)

The Emerging Local Plan

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)
DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H14 - Extensions to Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC3 - Buildings Standards Requirements (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)
NE3 - Biodiversity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)

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Sustainable Buildings (Supplementary Planning Document - December 2008)

The 45 Degree Guideline (Supplementary Planning Guidance)

It was the officer's opinion that the amended proposal for the extension represented appropriate development in the Green Belt and was of satisfactory design, causing no amenity issues for neighbouring properties and, as such, complied with the Development Plan and the Council's Residential Design Guidelines.

An addendum provided at the meeting gave details of further comments on the amended scheme from Rowington Parish Council, which acknowledged the removal of the addition to the link between the main house and the outbuilding but highlighted the addition of a hipped roof which the parish council considered impacted upon the front elevation of the property, added to the scale of the dwelling and brought it closer to the outbuilding.

The Parish Council was concerned that without the proposed changes, there was a strong connection between the two structures which from the front gave the appearance of a single continuous dwelling and that the proposed changes would strengthen that connection. It considered that the proposed amendments now took the extension beyond the limits of acceptability.

Following consideration of the report, presentation, and information contained in the addendum, the Committee

Resolved that application W15/0135 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) 2805-02C, and specification contained therein, submitted on 14.4.15. **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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- (4) no development (including demolition) shall commence unless and until further surveys survey for the presence of bats has been carried out by a qualified surveyor, and has been submitted to and approved in writing by the local planning authority. Should the presence of bats be found then no demolition shall take place until full details of measures for bat migration and conservation have been submitted to and approved by the local planning authority. These measures should include: a) inspection of existing buildings on site within one month prior to their demolition to determine presence or absence of roosting or hibernating bats; b) no building containing bats shall be demolished until bats have been safely excluded using measures as have been previously submitted to and approved in writing by the local planning authority; c) provision of a new bat roost/hibernacula constructed to a design and in a location previously approved in writing by the local planning authority; d) provision of new bat roost/hibernacula within new construction; e) provision of an area of buffer/habitat around the new bat roost/hibernacula, details of the buffer to be submitted to and approved in writing by the local planning authority; f) retention of hedgerows identified as being important for foraging bats within the development site, details of the location of hedges to be submitted to and approved in writing by the local planning authority; g) provision for the management in perpetuity of the buffer habitat, hedgerows used for foraging and the new bat roost/hibernacula. The works shall be implemented in strict accordance with the approved details and timing of works, unless otherwise approved in writing by the local planning authority and once undertaken the works shall not be removed or altered in any way without the prior written approval of the local planning authority. **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) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable

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energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

Reason: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

197. Current Appeals Report

The Committee received a written update from Development Services which advised of the current list of planning and enforcement appeals either awaiting decision or where a decision had been received.

In respect of appeal reference W14/1145 and W14/1146LB – 18-22 Russell Street, Royal Leamington Spa, officers highlighted that the Planning Inspector's letter pointed to an administrative error which had taken the case outside of the eight week period. However, the decision had not been based on this administrative error.

Resolved that the report is noted.

(Meeting ended at 8.52pm.)