

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 26 April 2011 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Illingworth (Chairman); Councillors Mrs Blacklock, Mrs Bunker, Copping, Crowther, Ms Dean, Dhillon, Mrs Higgins and Rhead.

Apologies for absence were received from Councillor Kirton.

175. **DECLARATIONS OF INTEREST**

Minute Number 177 – W10/1288 – Land between Abbey End and Southbank Road, Kenilworth

Councillors Mrs Bunker, Copping, Ms Dean, Dhillon, Mrs Higgins and Rhead declared personal interests because the land was owned by Warwick District Council.

Councillor Crowther declared a personal interest because he was on the Executive at the time the decision was taken to market the site and Warwick District Council owned the land.

Councillor Illingworth declared a personal interest because he was a member of Kenilworth Town Council who were existing tenants of the application site and Warwick District Council owned the land.

Councillor Mrs Blacklock declared personal interests because she was a member of Kenilworth Town Council, who were existing tenants of the application site, Warwick District Council owned the land, the site was in her Ward and a number of residents had spoken to her about the application.

Minute Number 178 - W10/1564 – Plot 8002 Tournament Fields, Edgehill Drive

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

Minute Number 179 – W10/1606 LB – Landor House, Kings High School For Girls, Smith Street

Councillor Mrs Higgins declared a personal interest because the application site was in her Ward.

Councillor Dhillon declared a personal interest because the application site was in his Ward and his daughter was a pupil at the school.

Councillor Mrs Bunker declared a personal interest because she was a member of the Girls School Alumni.

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176. **MINUTES**

The minutes of the meetings held on 16 March 2011 were taken as read and signed by the Chairman as a correct record.

177. **W10/1288 – LAND BETWEEN ABBEY END & SOUTHBANK ROAD, KENILWORTH**

The Committee considered an application from McCarthy & Stone Retirement Lifestyles Ltd for the erection of extra care accommodation for the elderly (50 units + staff unit), senior citizens club, communal facilities, landscaping and car parking.

The application was presented to the Committee because the Council was the land owner and the application raised a number of complicated issues.

The Committee had visited the site prior to the start of the meeting to assist them in reaching a more informed decision.

The case officer considered the following policies to be relevant:

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (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)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of impact on residential amenities, the setting of the Conservation Area or the street scene which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

An addendum was circulated at the meeting which advised of a change of wording to Condition 2 of the report, referring to specific drawing numbers. The addendum also suggested a change of wording to Condition 6 of the report, which dealt with the use class of the properties and identified the

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process by which an applicant would be assessed as a potential tenant of the properties.

Mr Garsed addressed the Committee and represented the views of the Residents of Central Kenilworth group (ROCK). He felt that although the group broadly supported the application they had concerns regarding the working hours of site causing disruption to neighbouring residents, the positioning of the materials compound and the security of the site. Mr Garsed stated that he had suggested a number of conditions to the applicant who had been happy to accept them.

Ms Matthewson addressed the Committee as the applicant and stated that although the company were happy with the suggested sociable working hours and security, they did not entirely agree with the revised wording of condition 6 provided in the addendum, which requested specific social care details being disclosed to the local authority. She felt this would be difficult to monitor and would cause issues if and when the units were sold on in the future.

Members were mindful that there was a district wide need for specialist care in this area of care and were pleased to see that the applicant had carried out extensive consultation with residents groups. Concerns were raised regarding the lack of detail on the renewable energy condition and regarding the route that any construction traffic would use, bearing in mind the recent remodelling of the traffic system in the area. Members agreed that the hours of work on site needed to be decided on as well as the routes that deliveries would take to minimise the disruption to not only neighbouring residents but also members of the public using the car parks.

Members were also keen to ensure that any trees on the site were protected and requested that officers investigate the potential of applying Tree Preservation Orders if necessary.

In addition, the Committee felt that the revised wording of condition six, provided in the addendum, was unnecessary, would be intrusive to potential residents and difficult to monitor. The age limit of residents was also felt to be too restrictive and members agreed that the condition should be amended to apply to at least one person of the household, to assist any couples wishing to reside there.

Members raised the issue of affordable housing, which was agreed would be for the Executive to determine who would allocate a portion of the receipt of monies to affordable housing. In the longer term a policy for dealing with affordable housing for this type of development would need to be formulated and Members felt it would be helpful if early work on this could be used to inform the report to Executive.

Following consideration of the report and presentation, along with the information contained within the addendum the Committee were of the opinion that the application should be granted in accordance with the recommendations in the report subject to amendments to Condition 6 and with the addition of further conditions regarding details of access/egress for deliveries and construction traffic, wherever possible to be via the Abbey End Car Park and not from Southbank Road, hours of building operations

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on site and that details of external lighting be submitted to officers for approval.

In addition, a request was made to officers that existing trees on the site be investigated for potential tree preservation orders.

RESOLVED that W10/1288 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 nos 1703-1-01 Rev. A, -02 Rev. A, -03 Rev. B, -04 Rev. B, -05 Rev. B, -06 Rev. B, Landscaping sheets 1, 2 and 3 and specification contained therein, received on 29 September 2010, 27th January 2011 and 7th February 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) no development shall be carried out on the site which is the subject of this permission, until details of the alignment of all underground services in relation to the retained trees have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the trees are safeguarded in the long term in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (4) no development shall be carried out on the site which is the subject of this permission, until details of the means of access and access for all deliveries and construction traffic, and all external lighting, have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the residential amenities of surrounding properties

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in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;

- (5) the landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. 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. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed.

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

- (6) Prior to the occupation of the development hereby permitted, the first floor window in the north gable end elevation of the Southbank Road building shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times.

REASON : To protect the privacy of users and occupiers of nearby properties and 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;

- (7) all of the residential units, other than the staff unit and the guest suite, shall be occupied by at least one person in need of personal care, as defined in Class C2 of the Town and Country Planning (Use Classes) Order 1987, as amended, and for no other purpose within that use class. **Reason:** To ensure that the

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development is used for the purposes specified in the application since occupation by other persons could result in the need for additional parking;

- (8) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (9) No building operations shall be carried out on the site except between the hours of 8.00am and 5.30pm Monday to Friday, and 8.00am to 1.00pm on Saturdays, but not at any time on Sundays, or Bank Holidays. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

178. W10/1564 – PLOT 8002, TOURNAMENT FIELDS, EDGEHILL DRIVE, WARWICK

The Committee considered an application from Montpellier Estates Ltd for the erection of a three storey building to provide a care home for residents suffering from dementia and brain acquired injuries (use class C2) with new vehicular access, parking and landscaping.

The application was presented to the Committee because it represented a material departure from the Development Plan.

It was proposed and duly seconded that the committee should undertake a site visit due to the potential for noise on the site, along with concerns regarding the lighting and car parking arrangements. The Committee were of the opinion that the application should be deferred to allow a site visit to take place.

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

RESOLVED that application W10/1564 be DEFERRED to allow a site visit to take place.

179. W10/1606 LB – LANDOR HOUSE, KINGS HIGH SCHOOL FOR GIRLS, SMITH STREET, WARWICK

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Warwick Independent Schools Foundation for the erection of an electrical meter housing cabinet and installation of internal and external supply cables.

The application was presented to the Committee because an objection had been received from Warwick Town Council. Their objection was based on the application affecting a listed building.

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)

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

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

It was the case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserves 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.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be approved in accordance with the officer's recommendation.

RESOLVED that application W10/1606 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; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved AMENDED drawings, 0970/E6C, 1034/03 Revision B, 1034/04 Revision A and specification contained therein, submitted on 5th April, 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.

180. **W10/0135 – LAND ADJOINING GRAND UNION CANAL, BLACK BOY PUBLIC HOUSE, KNOWLE, SOLIHULL**

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Mr Flaherty for the construction of new canal side moorings and spreading of spoil onto adjoining land.

The application had previously been reported to Committee on 9 June 2010, when it was resolved to grant planning permission subject to conditions and subject to a legal agreement to secure off-site car parking for the users of the facility. The car parking was to be at the adjoining Black Boy Public House, where considerable parking already existed.

Negotiations had taken place with the applicants to secure such an agreement, but the applicants had not been able to secure the agreement of the owners of the public house and have therefore had to look for alternative facilities. An arrangement had been made with owners of land to the south of the proposed moorings, at Heronsbrook farm shop. As this land was not connected to the application site by public footpaths, it would also be necessary to secure access for the boat owners from the car park to the moorings.

The proposals put forward were significantly different from those originally proposed and it was therefore thought necessary for the matter to be referred back to the Committee.

The case officer considered the following policies to be relevant:

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)

RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District Local Plan 1996 - 2011)

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

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

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

The case officer was of the opinion that the development did not prejudice the openness and rural character of this green belt area and was considered to comply with the policies listed.

An addendum was circulated prior to the meeting which advised that following legal advice, it had been decided to add two additional conditions to those set out in the report. With these conditions and the knowledge that the applicant had secured agreement for car parking and footpaths on adjoining land through easements, the legal agreement would no longer be necessary. These proposed conditions were:

a. No development shall take place until adequate parking and access have been provided to the written satisfaction of the local planning authority.

REASON : To ensure that car parking and access are satisfactorily provided, in accordance with policy DP6 of the Warwick District Local Plan 1996-2011; and

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b. The car parking spaces referred to in condition (6) above shall remain available to the users of the moorings at all times. **REASON** : To ensure that car parking and access continue to be satisfactorily provided, in accordance with policy DP6 of the Warwick District Local Plan 1996-2011.

Members were concerned that Condition 9 of the report could be difficult to enforce and should mirror the decision made in June 2010. The minutes of the June 2010 meeting were checked and it was agreed that the condition should refer to permanent residency, not overnight accommodation.

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

RESOLVED that application W10/0135 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) no development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until details of a barrier adjacent to the canal bridge to prevent vehicles entering the site, with a pedestrian gate to accommodate the footpath (provided to a specification approved by the Countryside Access Team of WCC) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the integrity of the public footpath network;
- (4) no development shall be carried out on the site which is the subject of this permission, until details of pre-commencement badger survey

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(and any mitigation necessary) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect badgers, in accordance with policy DP3 of the Warwick District Local Plan 1996-2011;

- (5) no development shall be carried out on the site which is the subject of this permission, until details of the arrangements for the retention and restitution of the top soil over the area of spoil deposit have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the character and appearance of this area of green belt, in accordance with policy DAP1 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not commence unless and until two weeks' notice in writing of the start of works has been given to a suitably qualified ecologist appointed by the applicant to supervise all ground work elements of the development within the site, which should include pre-construction precautions. Should reptiles be found to be present within the site, the development hereby permitted shall submit a detailed schedule of reptile mitigation measures (to include habitat creation and monitoring) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **REASON** : To ensure that protected species are not harmed by the development;
- (7) no lighting shall be installed on the site. **REASON** : To protect the appearance and character of the green belt, in accordance with policy DAP1 of the Warwick District Local Plan 1996-2011;
- (8) the existing trees and shrubs shall be retained in accordance with BS 5837:2005 and shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged or becoming seriously diseased within five years of planting, shall be replaced with trees of such size and species as may be agreed with

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the District Planning Authority. Before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

- (9) the boats moored in the facility shall not be used for permanent residency. **REASON** : To protect the character of the green belt, in accordance with policy DAP1 of the Warwick District Local Plan 1996-2011;
- (10) no development shall take place until adequate parking and access have been provided to the written satisfaction of the local planning authority. **REASON** : To ensure that car parking and access are satisfactorily provided, in accordance with policy DP6 of the Warwick District Local Plan 1996-2011; and
- (11) the car parking spaces referred to in condition (10) above shall remain available to the users of the moorings at all times. **REASON** : To ensure that car parking and access continue to be satisfactorily provided, in accordance with policy DP6 of the Warwick District Local Plan 1996-2011.

181. ANNUAL REPORT – PLANNING ENFORCEMENT

The Committee received a verbal update from the Enforcement Officer, Gary Fisher, on the enforcement casework from 1 April 2010 to 31 March 2011. The Chairman had requested the report, to advise members of the work that had taken place in the past year.

Members were informed of the facts and figures regarding appeals and the decisions made,

Some members were disappointed with the appeals data and raised concerns regarding costs amounting from these. Officers agreed to email the Committee advising them of the cost of recent appeals.

The enforcement report detailed workloads and Members were presented with photographs of resolved cases. Members agreed that the work undertaken by the enforcement team was excellent and their

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congratulations should be passed on. The before and after photographs of premises in the District where work had been rectified, following decisions made by officers and members were well received and showed the Committee the results of their decision making which they don't often get to see.

The Committee thanked Mr Fisher for his report and again requested that their gratitude be passed on to all teams for their continued hard work.

At the close of the meeting, the Chairman advised that this was Councillor Crowther's last Planning Committee, as he had decided not to stand again as a District Councillor. The committee passed their thanks on to him for his service to the committee and wished him well for the future.

The Chairman, Councillor Illingworth, also took this opportunity to thank all the officers for their expertise and hard work, as well as the Committee members for the way in which they had worked together over the past year.

(Finished 8.50 pm)