

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 24 May 2011 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillors Mrs Blacklock, Brookes, Copping, Ms Dean, Dhillon, Illingworth, Mobbs (substituting for Mrs Higgins), Rhead and Weed.

An apology for absence was received from Councillor Mrs Higgins.

1. **SUBSTITUTES**

Councillor Mobbs substituted for Councillor Mrs Higgins.

2. **APPOINTMENT OF CHAIRMAN**

It was agreed that Councillor Illingworth be appointed as Chairman for the ensuing municipal year.

3. **APPOINTMENT OF VICE CHAIRMAN**

It was agreed that Councillor MacKay be appointed as Vice Chairman for the ensuing municipal year.

4. **DECLARATIONS OF INTEREST**

Minute Number 7 – W11/0294 – 110A New Street, Royal Leamington Spa

Councillor Weed declared a personal interest because the application was in her ward.

Minute Number 8 – W11/0296 – The Gauntlet, Caesar Road, Kenilworth

Councillor Blacklock declared a personal interest because one of the applicants was known to her.

Councillor Brookes declared a personal interest as a member of CAMBRA.

Councillor Mobbs declared a prejudicial interest as a member of the Kenilworth Town Planning Committee and left the room for the duration of the item.

Minute Number 9 – W11/0325 – Warwick Castle, Castle Hill, Warwick

Councillor Brookes declared a personal interest because part of the application site was in his ward.

Councillor Dhillon declared a personal interest because the application was in his ward.

Minute Number 12 – W10/1564 – Plot 8002, Tournament Fields, Edgehill Drive, Warwick

Councillor Dhillon declared a personal interest because the application was in his ward.

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 15 – W11/0332 – 44 Dalehouse Lane, Kenilworth

Councillor Mobbs asked that it be noted that he was not involved in the meeting of the Kenilworth Town Planning Committee which addressed this item.

Minute Number 16 – W11/0347 – Old Rectory Cottages, Vicarage Lane, Sherbourne

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

5. MINUTES

The minutes of the meeting held on 6 April 2011 were approved.

6. W11/0255 – LODGE FARM BARN, LAPWORTH STREET, BUSHWOOD, LOWSONFORD

The Committee considered an application from Mr Lilly for the erection of a garden room extension.

The application was presented to the Committee at the request of Councillor Caborn and because a number of letters of support had been received.

An addendum circulated at the meeting gave further information relating to the application. The Committee had also visited the site on 21 May to assist them in reaching a decision.

Mr J Barnes addressed the committee in support of 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 Policy Guidance 2 : Green Belts

RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the addition of a lean to would create an inappropriate and rather 'suburban' extension for which there was no very special justification to over-ride the normal presumption against such development on this former barn within the Green Belt. The applicant's submitted justification had been considered but was not accepted, particularly since the original conversion was not considered to have resulted in this existing development having a "primarily domestic character". The application was therefore considered to be contrary to policy RAP2.

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

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W11/0255 be REFUSED for the following reason:

Policy RAP7 of the Warwick District Local Plan (1996-2011) sets out a number of criteria for the conversion of existing rural buildings within the District and the policy specifically refers to the need for the proposed use to be accommodated without extensive rebuilding or alteration to the external appearance of the building, and for the appearance and setting of the building following conversion to protect and where possible, enhance the character and appearance of the countryside. The explanation to the policy states that where proposals include extending rural buildings as part of their conversion, these will not be approved unless it can be demonstrated that the extension is essential for the retention of the building.

The application site which lies within the Green Belt, comprises a pair of converted former agricultural buildings which are subject to Policy RAP2 of the above Local Plan and where permitted development rights for subsequent extensions were removed in order to ensure that the character and appearance of the converted buildings and their setting within the wider countryside are respected and protected.

In the opinion of the District Planning Authority, the proposed extension disrupts the simple form of the converted barn by reason of its design, materials and position and detracts from the original character and appearance of the complex of buildings, thereby prejudicing the objectives of the aforementioned policy. If permitted, this type of extension could act as a precedent for extensions to other converted barns which would be difficult to resist, thereby cumulatively eroding the character and appearance of the countryside to the detriment of the wider Green Belt and open countryside within the District.

7. W11/0294 – 110A NEW STREET, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr R Clothier for the proposed change of use from place of Worship (D1) to Residential (C3) involving the conversion of the existing Chapel building to form two dwellings.

The application was presented to the Committee at the request of Councillor Barrott and because a number of objections, including one from Royal Leamington Spa Town Council, had been received.

An addendum circulated at the meeting highlighted an amendment to proposed condition 3.

PLANNING COMMITTEE MINUTES (Continued)

Mr R Richmond addressed the committee as an objector. The applicant, Mr Clothier, spoke supporting the application and Ward Councillor J Barrott objected to 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)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (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)
SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Open Space (Supplementary Planning Document - June 2009)

It was the case officer's opinion that the principle of conversion was acceptable and the proposal would not have an unacceptable impact on neighbours. In light of there being a reduction in the number of parking spaces for residential use, it would be difficult to refuse consent on parking grounds. The Council's adopted Supplementary Planning Guidance (SPG) on public open space contributions had been applied and the applicant had agreed to enter into a Section 106 agreement to secure the payment of £1256.00 (calculated as 2 x 2 bed units at £628.00 each). The Council's Conservation Architect was of the view that generally this would be a good re-use of an interesting building within the Conservation Area. Whilst it was noted that the solar panels might be visible from the neighbouring street, they would not impact detrimentally on the building. As such the proposal would not have a negative impact on the streetscene generally or the wider Conservation Area. As part of the scheme, it was proposed to install four solar thermal roof panels to the rear roofslope. It had been demonstrated that these would provide in excess of 10% of the energy requirement for each unit, which would comply with the Council's Local Plan Policy DP13. Internally, it was proposed to provide for cycle storage and bin storage, thereby negating the requirement for bins to be stored on the street. The proposal was therefore considered to comply with the policies listed.

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 granted in accordance with the recommendation, subject to a section 106 agreement to secure the Public Open Space Contributions, an amendment to condition 3 to include the words "porch canopies" after "new door", and an amendment to condition 6 to require no opening part of any of the 4 rooflights on the rear elevation to be less than 1.7m above the floor level of the rooms they serve and that the 2 rear rooflights serving bathrooms shall be obscure glazed.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that W11/0294 be GRANTED, subject to a section 106 agreement to secure the Public Open Space Contributions and 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 approved drawing numbers 11/05-03 and 11/05-04, and specification contained therein, submitted on 3 March 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 large scale details of the new door, porch canopies, conservation style roof lights, solar panels and section through the windows showing the first floor treatment at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (5) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no windows or other openings other than those expressly authorised by this permission, shall be placed at any time in any elevation of the building. **REASON:** To retain control over future development so that the residential amenity of adjoining occupiers is protected and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (6) prior to the occupation of the development hereby permitted, the rooflights in the rear roofslope shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and the obscured glazed rooflights shall be retained and maintained in that condition at all times. No opening part of any of the 4 rooflights on the rear elevation to be less than 1.7m above the floor level of the rooms they serve and that the 2 rear rooflights serving bathrooms shall be obscure glazed. **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.

8. W11/0296 – THE GAUNTLET, CAESAR ROAD, KENILWORTH

The Committee considered an application from Enterprise Inns for the removal of windows and feature tiling to side elevation and replacement with full height glazing and timber framed concertina doors; opening up of single door entrance to provide a double door; cladding of existing steel columns with timber; blocking up of existing windows to side elevation and provision for a new fire door; construction of a structural column to existing canopy; erection of new timber framed pergola and porch to the rear yard along with associated works and landscaping.

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

Town Councillor N Vincett addressed the Committee as an objector, while Mr J Rukin spoke in support of 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)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)

It was the case officer's opinion that, given the significant fall-back position that the property had a lawful use as a public house, the proposed alterations could not sufficiently justify refusal and would in fact improve the appearance of this vacant site. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, along with the representations made at the meeting, the Committee were of the opinion that the application should be granted in accordance with the recommendation, with an additional condition to require no external lighting to be installed and no amplified music played externally unless first agreed otherwise in writing by the District Planning Authority.

RESOLVED that W11/0296 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 approved drawing(s) 826/05 Rev B, 826/07 Rev A, and specification contained therein, submitted on 5 March 2011 and approved drawing(s) 826/08 and specification contained therein, submitted on 7 March 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; and
- (3) no external lighting to be installed and no amplified music played externally unless first agreed otherwise in writing by the District Planning Authority.

(Councillor Mobbs did not take part in the debate or the decision, having declared a prejudicial interest and left the room for the duration of the item.)

PLANNING COMMITTEE MINUTES (Continued)

9. **W11/0325 – WARWICK CASTLE, CASTLE HILL, WARWICK**

The Committee considered an application from Warwick Castle for the proposed retention of five concrete bases and the Trebuchet 'siege' machine.

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

An addendum circulated at the meeting contained additional information relating to the previous application, letters of support, and recommended an amendment to condition 2.

Mrs C Hodgetts (CAAF) addressed the Committee in objection to the application. Mr T Harrison-Jones and Mr D Cripps addressed the Committee as supporters.

The case officer considered the following policies to be relevant:

Planning Policy Statement 5 : Planning for the Historic Environment

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

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

DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development complied with the policies listed and should be granted permission to be a permanent feature.

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 granted in accordance with the recommendation as amended in the addendum.

RESOLVED that W11/0325 be GRANTED, subject to the conditions listed below:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 5031/B 03, 5031/B 05 & 5031/B 06 and specification contained therein, submitted on 10th March 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;
- (2) within 1 month of the date of approval of this application, a method statement shall be submitted to the District Planning Authority, for its approval, showing how the trebuchet and

PLANNING COMMITTEE MINUTES (Continued)

concrete bases are to be removed and the ground reinstated to its former state. The approved method statement shall be carried in full when the trebuchet has not been fired for a period of one year. **REASON:** To ensure the protection of the heritage assets and to satisfy the requirements of policies DAP4 and DAP11 of the Warwick District Local Plan 1996-2011.

(Councillor Brookes declared a personal interest during the course of this item, as it became apparent to him that part of the site extended into Bishops Tachbrook, where he was a Ward Councillor.)

10. W09/1169 – LAND OFF QUEENSWAY, LEAMINGTON SPA

The Committee considered an application from Aldi Stores Limited / Deeley Properties Limited for the erection of a new Aldi retail food store (Use Class A1), with associated car parking and landscaping; erection of business units (Use Classes B1(b) & (c), B2 and B8) and a building for the display and sale of motorcycles (SuiGeneris) with associated car parking and landscaping.

The application had been agreed at the 8 December 2010 meeting of the Committee, subject to a Section 106 Agreement to secure construction of a number of industrial units and associated infrastructure within 6 months of the permitted retail store opening. An amendment to the terms of the agreement was now sought, to require that the works be completed before the opening of the Aldi store, as it was likely that an application for an amended employment scheme would be submitted, which the applicants had indicated would be constructed, if approved, instead of the previously intended W09/1169 employment scheme. The proposed amended application was driven by the specific operational requirements of what the applicants described as a nationally known occupier.

An addendum circulated at the meeting presented an objection which had been received following publication of the agenda.

It was the case officer's opinion that the proposed change would give the District Council greater control over this element of the proposed phasing of the development. Furthermore, in view of the likelihood of an alternative, occupier-driven employment scheme being submitted by the applicants for the employment part of the application site, it was possible that the speculative 9 industrial units under W09/1169 would not come forward and that instead, subject to planning permission being granted, an alternative employment scheme would be delivered on the site in addition to the Aldi retail store. It would be beneficial to accommodate this possibility into the S106 obligation currently being finalised so that planning permission W09/1169 could now be issued and the need for a future amendment to this Section 106 Agreement be avoided. Members noted that in the event that the alternative planning application was made for the 'employment' component of W09/1169, it would be up to this Committee to determine whether or not to grant planning permission and to determine if it was considered to be a satisfactory alternative for the purpose of meeting the Section 106 obligation related to permission W09/1169 in respect of securing employment and economic benefit.

PLANNING COMMITTEE MINUTES (Continued)

Given the fact that the 'trigger' point would now be the opening of the Aldi retail store and that these requirements would be incorporated into the Section 106 Agreement, together with reference to a possible alternative employment scheme, it was recommended that condition 15 as agreed by the Planning Committee on 8 December 2010 be no longer imposed on planning permission W09/1169.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that the application should be approved subject to the conclusion of a Section 106 agreement in accordance with the recommendation, with the addition of the words "on this site as has been granted planning permission and" after "alternative employment scheme".

RESOLVED that application W09/1169 now be GRANTED subject to:

- (1) the satisfactory conclusion of a Section 106 Agreement to secure the construction of 9 industrial units and associated infrastructure (or such alternative employment scheme on this site as has been granted planning permission and as the Council have confirmed delivers similar economic benefits) prior to the opening of the Aldi retail store; and
- (2) to the conditions approved by Planning Committee on 8 December 2010, subject to condition 15 of 28 being removed.

11. **W09/1258 – LAND ADJOINING SANDS FARM, OLD WARWICK ROAD, LAPWORTH, SOLIHULL**

This application was withdrawn from the agenda.

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

The Committee considered an application from Montpelier 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 deferred by Planning Committee on 27 April 2011 to enable a site visit on 21 May and in order to gather further information.

An addendum circulated at the meeting confirmed that flood alleviation proposals would reduce the ground level to 48.3m AOD on an adjacent site, that the Environment Agency had confirmed that they had no objection to the proposal, and gave feedback from the applicant's agent on issues raised in the officers' report.

PLANNING COMMITTEE MINUTES (Continued)

The case officer considered the following policies to be relevant:

Planning Policy Statement 4: Planning for Sustainable Economic Growth
Policy PA6 - Portfolio of Employment Land and Premises (West Midlands
Regional Spatial Strategy 2008)

Employment Land Development Brief - Tournament Fields, Warwick
(Prepared by Severn Trent Property)

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

Sustainable Buildings (Supplementary Planning Document - December
2008)

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

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

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

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

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

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

Vehicle Parking Standards (Supplementary Planning Document)

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

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

Planning Policy Statement 25: Development and Flood Risk

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

It was the case officer's opinion that a conflict with Policy SC2 and PA6 of the RSS was clear, in that the proposal would not only result in the loss of employment land, but also the constraining of surrounding land, which would by default reduce the attractiveness of the site for potential future occupiers and therefore the Council's portfolio of land. However, evidence which had been submitted pointed to a changing market, a potentially out of date Development Brief, associated job creation, a lack of alternative sites within Tournament Fields, the likelihood of harmful major B2/B8 uses locating on the wider site and need for the proposal. The Government's intentions for securing economic growth were also clear and in view of this, it was considered that this departure to the development plan should be allowed in these particular circumstances. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that the application should be refused contrary to the recommendation, because the proposal was contrary to the Development Plan and policies SC2 and DP10, which would see the unacceptable loss of employment land, constraints on the development of adjacent land and because its location would not provide an acceptable level of amenity for residents.

RESOLVED that W10/1564 be REFUSED contrary to the officers recommendations for the following reasons:

- (1) unacceptable loss of employment land whilst also prejudicing and unacceptably constraining the development of the adjacent allocated employment land, contrary to the provisions of

PLANNING COMMITTEE MINUTES (Continued)

the Policy SC2 in the Local Plan and PA6 of the RSS; and

- (2) this site and the proposed layout would not secure an acceptable level of amenity for future residents, contrary to the provisions of Policy DP2, having particular regard to its location in an allocated employment site in close proximity to nearby elevated roads.

13. W11/0055 – 51 COTEN END, WARWICK

The Committee considered an application from Premier Flooring Ltd for proposed change of use of a building fronting Cherry Street to form a 1 bedroom dwelling (resubmission of application W09/1231).

The application was presented to the Committee because the recommendation was a minor departure from the Development Plan.

An addendum circulated at the meeting listed the reasons why planning application W09/1231 was refused.

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)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- UAP4 - Protecting Local Shopping Centres (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that it would now be difficult to justify a refusal on appeal. The principal changes since the previous refusal were that a statement had been submitted which provided additional support for the application and there had also been changes in government policy. The Policy team had not made a substantial objection to the application and the Ministerial Statement of 23 March 2011 advised local planning authorities, when deciding whether to grant planning permission, to "take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing". The application was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that the application should be granted in accordance with the recommendations, after completion of a section 106 agreement/obligation for open space contributions.

RESOLVED that application W11/0055 be GRANTED after completion of a section 106 agreement/obligation for open space contributions and subject to the following condition:

PLANNING COMMITTEE MINUTES (Continued)

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 2920-2, and specification contained therein, submitted on 13 January 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; and
- (3) 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.

14. W11/0307 – THE GATEHOUSE, 1 THE CUNNERY, STONELEIGH PARK, KENILWORTH

The Committee considered an application from Mr D Cowan to move the position of an existing fence 5.8 metres towards the front of the property and erect with new fencing to match existing.

The application was presented to the Committee at the request of Councillor MacKay.

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)
DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
Planning Policy Guidance 2: Green Belts

The original proposal was to move the existing fence forward by 6.5 metres to be at the end of the front projecting gable of the application property.

PLANNING COMMITTEE MINUTES (Continued)

However, following an objection and measurements taken out on site, it was discovered that the proposed move of 6.5 metres would bring the fence forward of the front projecting gable by 0.2 metres. Upon this understanding, amended plans were drawn up to address this issue.

The case officer was of the opinion that, following the Conservation Officer's recommendation that the fence be set slightly back from the front gable projection, the design was in keeping with the character and appearance of the development. The set back from the front gable projection would prevent the danger of creating a prominent fence along the front elevation of the property. The application was considered to be in accordance with the policies contained within the Warwick District Local Plan 1996 - 2011 and the guidance set out within PPG2 Green Belts. Whilst the plans indicated that the proposed fence would be parallel to the front gable of the property, it was recommended to attach a condition to the permission requiring the new fence to be built parallel to the gable to prevent any further visual loss of the boundary wall.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the recommendation, with an additional condition to ensure that the new fence is of a similar design and finish to the fence hereby agreed to be relocated.

RESOLVED that W11/0307 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 approved drawing(s) Cowan Prop 2 Fence, and specification contained therein, submitted on 15 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;
- (3) for the avoidance of doubt, the proposed fence shall be constructed parallel to the front gable of the property. **REASON:** To maintain the visual appearance of the boundary wall and to satisfy policies DP1 and DAP11 of the Warwick District Local Plan 1996 – 2011; and
- (4) the new fence shall be of a similar design and finish to the fence hereby agreed to be relocated.

PLANNING COMMITTEE MINUTES (Continued)

15. W11/0332 – 44 DALEHOUSE LANE, KENILWORTH

The Committee considered an application from Mr C Barnwell for a first floor rear and side extension and summer house to the rear garden.

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

An addendum circulated at the meeting corrected an error in the report, that being that the height of the summerhouse was 3.5m, not 7.1m.

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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the case officer's opinion that the proposals would have only limited impact on the residential amenity of 46 Dalehouse Lane, which was considered to be acceptable. Amended plans submitted on 10 May no longer breached guidelines and there would therefore be no unacceptable impact on the amenity of 42 Dalehouse Lane. Given the limited scale of the proposals, it was not considered reasonable to request the installation of renewables on the development. The proposed summerhouse would have no detrimental impact. Kenilworth Town Council had requested that a condition be placed on the summerhouse to be used for ancillary purposes which will be attached to the approval. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that a decision on the application should be deferred to a future meeting, in order to allow for further information to be requested from the applicant as detailed in the resolution below.

RESOLVED that W11/0332 be DEFERRED in order to request that the applicant provide the following:

- (1) site sections to demonstrate the siting of the proposed summerhouse in relation to the existing dwelling on Dalehouse Lane and showing the existing position/floor level of the outbuilding that it would replace; and
- (2) calculations to demonstrate the existing floorspace of the dwelling and the floorspace of the proposed extensions (to enable an informed decision to be taken as to whether 10% renewables should be required).

PLANNING COMMITTEE MINUTES (Continued)

16. W11/0347 – OLD RECTORY COTTAGES, VICARAGE LANE, SHERBOURNE

The Committee considered an application from Mr and Mrs Alderson for the erection of a single storey side extension to form a living room and a detached timber framed garage incorporating a study.

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

The case officer considered the following policies to be relevant:

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

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

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

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

DP13 - Renewable Energy Developments (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)

RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the amended design submitted by the applicant would meet the criteria for the proposal to have an acceptable impact on the setting and appearance of the conservation area. The proposed side extension would have no impact on the amenity of the attached dwelling or on the neighbour to the rear, as there were no rear-facing windows. Whilst the proposed detached garage would be visible from 2 Old Rectory Cottages, there would be no loss of outlook, privacy or light caused by this structure, and therefore the proposed development would comply with Policy DP2 of the Warwick District Local Plan. The application property was located within the original grounds of the listed building, but the proposed extensions were of small scale and would be well screened by the existing hedgerow and trees, and would therefore not adversely affect the setting of the listed building. Ecology submitted comments stating that a pre-determinative bat survey is recommended for the property, due to a number of bat records in close proximity to the applicant property. The roofspace of the existing property was currently in use as habitable rooms and the roof was replaced under application W/05/0611, and so the proposed alterations would affect only a small area of the building within which bats could be present. For these reasons the officer believed there was not a 'reasonable likelihood' of a protected species being present and, as outlined in paragraph 99 of planning circular 06/2005, did not feel it was justified to ask for a pre-determinative bat survey in this instance. A note relating to bats as an EU protected species would, however, be added to the decision notice to make the applicant aware of their obligations in this matter. The scale of the extensions would create a low level of additional energy consumption for the applicant property, but at this level it would not be feasible to ask the applicant to

PLANNING COMMITTEE MINUTES (Continued)

meet the 10% renewable energy requirement detailed under Policy DP13 of the Warwick District Local Plan. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that W11/0347 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 approved drawings 10/88-02 A & 10/88-03 A and specification contained therein, submitted on 20th 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 DAP8 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) all external facing materials for the single storey side extension 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.

(The meeting ended at 10.05 pm)