

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 15 October 2013 in the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Rhead (Chairman); Councillors Boad, Brookes, De-Lara-Bond, MacKay, Weber, Wilkinson and Williams.

An apology for absence was received from Councillor Mrs Bunker.

92. **SUBSTITUTES**

There were no substitutes.

93. **DECLARATIONS OF INTEREST**

Minute Number 99 – Agenda items 9 & 10 – W13/0849 & W13/0849 LB – 5 Clarendon Square, Royal Leamington Spa

Councillor Weber declared that he was a Ward Councillor for the site in question.

94. **SITE VISITS**

To assist with decision making, Councillors Boad, Rhead, Weber, Wilkinson and Williams visited the following application sites on Saturday 12 October 2013:

W13/0718 - Warwick Hospital

W13/0975 - Land adjacent to Pinehurst, Cubbington

W13/1053 - 2-22 Northgate Street, Warwick

TPO 476 - Tollgate Cottage, Banbury Road, Warwick

Councillor MacKay apologised that he had been unable to attend.

95. **MINUTES**

The minutes of the meeting held on 13 August 2013 were taken as read and signed by the Chairman as a correct record.

96. **W13/0718 – WARWICK HOSPITAL, LAKIN ROAD, WARWICK**

The Committee considered an application from Warwick Hospital for the demolition of an existing redundant boiler house and squash court and the erection of a three storey office building.

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

An addendum circulated at the meeting stated that the report sought delegated authority to be given to officers to refuse planning permission should a legal agreement relating to a Green Travel Plan not be completed by 18 October. However, the report also set out that the Section 106 agreement was not necessary to make the development acceptable.

PLANNING COMMITTEE MINUTES (Continued)

Therefore, the recommendation was revised to grant planning permission subject to the conditions listed.

Mr Leon Fynn addressed the Committee, objecting to the application.

It was proposed and seconded that the application be granted in accordance with the officer's recommendation. This proposal was lost by five votes to three. A second proposal, that the application be refused on the grounds of poor design, was carried.

RESOLVED that W13/0718 be REFUSED on the grounds of poor design, which contravenes paragraph 64 of the National Planning Policy Framework.

97. W13/1165 – 57 ROSELAND ROAD, KENILWORTH

The Committee considered an application from Mr Sidhu for single and two storey front, side and rear extensions to provide an enlarged ground floor shop and two additional dwellings on the upper floors (making three dwellings in total).

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

An addendum circulated at the meeting advised the Committee that a description of the proposed works had been amended to provide clarification in relation to the proposed rear first floor extension. The addendum also stated that the Planning History section of the officer's report should refer to application number W13/0314 being granted in May 2013, not W13/1165.

Mr Paul Royle and Ward Councillor Davies also addressed the Committee objecting to the application.

The Committee resolved to refuse the application contrary to the officer's recommendations.

RESOLVED that W13/1165 be REFUSED on the grounds that the proposed extensions are overbearing in terms of scale and massing, and because of the impact on neighbours' amenities.

98. W13/0975 – LAND ADJACENT TO PINEHURST, CUBBINGTON, ROYAL LEAMINGTON SPA

The Committee considered an application from the Coventry Diocesan Board of Finance Ltd for the construction of 2 new houses and change of use of half of the site to a cemetery for Cubbington Church.

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

An addendum circulated at the meeting summarised the content of a letter written to the Committee in support of the application.

PLANNING COMMITTEE MINUTES (Continued)

It was the officer's opinion that the proposed development was acceptable in principle and would not cause unacceptable harm to the visual amenity of the street scene or the setting of the Conservation Area. Furthermore, the proposal would not adversely affect the amenity of nearby residents. Therefore it was recommended that planning permission be granted.

Mr John Viner addressed the Committee in objection to the application, followed by Mr Brian Bassett who spoke in support of the application.

The Committee resolved to grant the application in accordance with the officer's recommendations.

RESOLVED that W13/0975 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) 1392/02B, 1392/04A, 1392/05C, 1392/06B, 1392/07, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
 - (3) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
 - (4) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
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(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

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

- (5) 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 boundary treatment, including full details of the proposed boundary walls, retaining 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 hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the dwellinghouses 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. 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 and DP3 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning
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Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (7) no lighting or illumination of any part of the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.
REASON: To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011;
- (8) the development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that have been submitted to and approved in writing by the local planning authority.
REASON: To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;
- (9) no part of the development hereby permitted shall be commenced until a detailed badger survey, including timetabled mitigation measures where appropriate, has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing to the local planning authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (10) the development hereby permitted shall either:
- a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.
 - b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **REASON:** To safeguard the presence and population of a bird species in line with the National Planning Policy Framework and Policy DP3 of the Warwick District Local Plan 1996-2011;
- (11) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837- 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect those trees which are of significant amenity value to the

PLANNING COMMITTEE MINUTES (Continued)

area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (12) the areas indicated on the approved drawings for vehicular manoeuvring space and parking shall at all times be kept free of obstruction and be available for those purposes.

REASON: To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011; and

- (13) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first floor window(s) to be formed in the north facing elevation of the dwellinghouse occupying Plot 1 hereby permitted shall only be glazed or re-glazed with obscure glass and shall be non-opening.

REASON: In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

99. W13/0848 & W13/0849 LB– 5 CLARENDON SQUARE, ROYAL LEAMINGTON SPA

The Committee considered a retrospective application from Mr Carlo Valle for the erection of a single storey rear extension. This retrospective application was an amendment to the scheme approved under planning permission number W11/1390 and listed building consent number W11/1391 LB.

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

It was the officer's opinion that, subject to appropriate conditions to rectify certain issues regarding materials and design details, the proposals would preserve the character and appearance of the Listed Building and the Conservation Area. Furthermore the extension had an acceptable impact on the living conditions of neighbouring dwellings and on parking. Therefore it was recommended that planning permission be granted.

Mr Nick Underhill spoke to the Committee in objection to the application.

A proposal that the application be granted in accordance with the officer's recommendation was not seconded. The Committee resolved to refuse the application.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that W13/0848 and W13/0849 LB be REFUSED on the grounds that the development would impact on the Listed Building, Conservation Area and the residential amenities of the adjoining property.

100. **W13/1164 – 471A TACHBROOK ROAD, WHITNASH, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr Christian Matthews for demolition of the existing coach house and adjacent garage and erection of a new dwelling.

The application was presented to the Committee because a number of objections had been received including one from Whitnash Town Council.

An addendum circulated at the meeting detailed further comments which had been received following publication of the agenda and two additional conditions which were recommended in accordance with comments made by the County Ecologist and Environmental Health.

Ward Councillor Mrs Falp spoke to the Committee in objection to the application.

RESOLVED that a decision on W13/1164 be deferred in order to allow for a site visit.

101. **CONFIRMATION OF PROVISIONAL TPO No. 476 – TOLLGATE COTTAGE, BANBURY ROAD, WARWICK**

The Committee considered a report recommending authorisation of a Tree Preservation Order for two oak trees adjacent to Tollgate Cottage in Banbury Road, Warwick.

The item was presented to the Committee because officers had received an objection to the TPO being confirmed.

Doctor Lesley Hall addressed the Committee in support of the Tree Preservation Order.

RESOLVED that officers be authorised to CONFIRM Tree Preservation Order number 476 without modification.

102. **W11/0467 – CORNER OF MILL LANE AND OLD WARWICK ROAD, LAPWORTH, SOLIHULL**

The Committee considered an application from Mr I Potterton for; the demolition of an existing shop, chiropody office and apartment over; and the erection of a new shop, chiropody office, apartment over, plus 3 two-bedroom houses and 1 three-bedroom house with ancillary parking.

The application was presented to the Committee because it was recommended that an existing legal agreement relating to the approved application be varied.

PLANNING COMMITTEE MINUTES (Continued)

It was the officer's opinion that it was reasonable to allow variation to the existing legal agreement, in order to ensure the development remained viable and deliverable. Local Plan Policy SC11 permitted the payment of contributions in lieu of on-site delivery in exceptional circumstances.

It was moved and seconded that the Committee defer taking a decision until Lapworth Parish Council had submitted comments on whether there was a local housing need. This proposal was not supported. A second proposal, to vary the Section 106 agreement as recommended in the report, was carried.

RESOLVED that the Section 106 agreement in respect of W11/0467 be VARIED to accept a financial contribution of £68,750 in lieu of the affordable housing provision on site, with 50% to be paid on completion of the sale of the first dwelling, and the remaining 50% on completion of the sale of the second unit.

103. W13/1204 – PEACOCK HOTEL, 149 WARWICK ROAD, KENILWORTH

The Committee considered an application from Mr Muthalagappan for the change of use of a hotel (Class C1) to a House in Multiple Occupation (HMO) (Sui Generis) and the insertion of three additional windows.

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

An addendum circulated at the meeting stated that the objections received relating to the use of the gate to the rear of the property had been noted and subsequently the applicant had amended the plans to show the gate to the rear blocked up. On the basis of this additional information, the objection from 143 Warwick Road has been removed.

It was the officer's opinion that, due to the limited number of HMOs in the locality, the existing off road parking spaces and the existing bin store, the change of use from a Hotel to a HMO was acceptable. Subject to suitably worded conditions relating to a management plan, the proposal was in accordance with local planning policies. Therefore it was recommended that planning permission be granted.

The Committee resolved to grant the application in accordance with the officer's recommendations, with a condition to ensure that current car parking arrangements were maintained at all times thereafter.

RESOLVED that W13/1204 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);

PLANNING COMMITTEE MINUTES (Continued)

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 720.06; 720.08, 720.09, 720.10 & 720.12 submitted on 28th August 2013 and 720.07A & 20.11A submitted on 27th September 2013 ,and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) a resident management plan, including details of residence management and maintenance of the residence, security and fire safety; conduct of the occupants during occupancy and community liaison responsibilities and procedures shall be submitted to and approved in writing by the local planning authority before the first occupation of the development hereby permitted. **REASON:** To ensure a satisfactory standard of amenity of the development in the interests of the impact on the wider area in accordance with Policies DP1, DP2 and DP9 of the Warwick District Local Plan 1996-2011; and
- (4) current car parking arrangements are maintained at all times thereafter.

104. PLANNING ENFORCEMENT POLICY

The Committee received a report from Development Services introducing the Enforcement Policy, which had recently been amended to reflect comments received from Members.

The Committee noted the report, the intention that officers review it annually and the intention that it be presented to the Committee on a quarterly basis.

RECOMMENDED that Executive adopt the Enforcement Policy.

105. W13/1053 – 2-22 NORTHGATE STREET, WARWICK

This item was withdrawn from the agenda.

106. W13/1143 – MOTSLow COTTAGE, MOTSLow HILL, STONELEIGH, COVENTRY

This item was withdrawn from the agenda.

(The meeting ended at 8.10 pm)