

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 11 June 2013 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

An apology was received from Councillor Dagg.

16. **SUBSTITUTES**

There were no substitutes.

17. **DECLARATIONS OF INTEREST**

Minute number 20 – W13/0391 – Land to the rear of Holly Walk, Baginton, Coventry

Councillor Weber declared that he was a member of the British Humanist Society, an organisation which did not support publicly funded denominational schools. He reiterated that he was only a member and accepted legal advice that, as long as he could approach the application with an open mind, he could vote on the item.

Councillor MacKay declared an interest, having been associated with both parties, and left the room for the duration of the item.

Minute number 21 – W13/0502 – 4 Warwick New Road, Royal Leamington Spa

Councillors Weber and Wilkinson both declared that in the past they had expressed views on Houses in Multiple Occupation (HIMOs). They received legal advice that whilst these were predisposed views, if they could approach the application without prejudice, then it was acceptable for them to participate.

18. **SITE VISITS**

To assist with decision making, Councillors Boad, Ms De-Lara-Bond, Rhead and Williams visited the following application sites on Saturday 8 June 2013:

W/13/0502 - 4 Warwick New Road, Leamington
W/13/0391 - r/o Holly Walk, Baginton

Councillors MacKay and Wilkinson attended the site visit to 4 Warwick New Road only.

Councillor Weber declared that he had visited the Holly Walk site twice on his own, and Councillor Mrs Bunker declared that she had also visited the site.

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19. MINUTES

The minutes of the meetings held on 30 April and 22 May 2013 were agreed and signed by the Chairman as a correct record.

20. W13/0391 – LAND TO THE REAR OF HOLLY WALK, BAGINTON, COVENTRY

The Committee considered an application from Baginton Green Limited for the erection of a free school together with 2 no. multi-use games areas; secondary school outdoor recreation space; primary school outdoor play area; 24 car parking spaces; landscaping and security fencing. This was an outline application including details of access.

This application was presented to the Committee because a number of objections had been received including one from Baginton Parish Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework

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)

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)

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)

Sustainable Buildings (Supplementary Planning Document - December 2008)

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)

RAP11 - Rural Shops and Services (Warwick District Local Plan 1996 - 2011)

DAP3 - Protecting Nature Conservation and Geology (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)

An addendum circulated at the meeting presented further comments which had been received from Baginton Parish Council, Warwickshire County Council Flood Risk Management, the Environment Agency, Warwick District Council's Ecology team and the applicant. In response to these comments, it was recommended that two further conditions be added and the recommendation be amended so that the application be granted subject to a Section 106 agreement.

PLANNING COMMITTEE MINUTES (Continued)

It was the officer's opinion that the applicant had demonstrated very special circumstances that outweighed the potential harm to the Green Belt. It was considered that the proposals would have an acceptable impact on the setting of the Grade I Listed Church of John the Baptist, the Baginton Castle Scheduled Ancient Monument and the Conservation Area. The proposals were also considered to be acceptable in terms of highway safety, car parking, sustainability, the impact on the living conditions of neighbouring dwellings, the impact on the character and appearance of the area, drainage, flood risk, ecological impact and contamination. Therefore it was recommended that planning permission be granted, subject to conditions, and subject to some form of community benefit for the village being secured (to be confirmed in the Addendum Report).

Mr Bush addressed the Committee, representing Baginton Parish Council's objections. Mr Tracey also spoke, objecting to the application, followed by Mr Frampton and Mr Cox, both of whom spoke in support of the application.

A proposal to support the recommendations in the report was not seconded.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained in the addendum, the Committee was of the opinion that the application should be refused in light of concerns over the unknown extent of the contamination of the site and the dangers the contamination could place on any development and on the local community.

RESOLVED that W13/0391 be REFUSED by reason of the unknown extent of the contamination of the site; the absence of a pre-determinative site investigation survey to determine the extent and nature of that contamination and the unknown associated risks to human health.

(Councillor MacKay left the meeting for the duration of this item.)

21. W13/0502 – 4 WARWICK NEW ROAD, LEAMINGTON SPA

The Committee considered an application from Greenbull Limited for demolition of existing outbuildings and a single storey side extension and conversion from existing use as a house, 3 apartments and chiropractic clinic into a 20 bedrooled house in multiple occupation (HIMO); erection of single storey side and rear extensions; excavation of front and rear lightwells; external alterations including the insertion of new and replacement windows and rooflights; construction of parking areas in front and rear gardens including alterations to landscaping; erection of a new front wall; and construction of bin and cycle stores.

This application was presented to the Committee because a number of objections had been received including one from Royal Leamington Spa Town Council.

The officer considered the following policies to be relevant:

PLANNING COMMITTEE MINUTES (Continued)

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)
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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (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)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Open Space (Supplementary Planning Document - June 2009)
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)

An addendum circulated at the meeting informed the Committee that the proportion of residential properties that were used as HIMOs within 100m radius of the application site had been calculated as 5%, including the application property. It also advised Members that a further objection had been submitted on behalf of the residents of Hyde Place, summarising their concerns, and that two neighbours had submitted further objections reiterating points previously made and raising concerns about the fact that the property had been allowed to fall into disrepair.

It was the officer's opinion that the proposals would not result in an unacceptable concentration of HIMOs in this locality and that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings. Furthermore, it was considered that the proposals would preserve the character and appearance of the Conservation Area and were acceptable in terms of car parking and highway safety. The proposal was therefore considered to comply with the policies listed.

Mrs Isherwood and Mr Powell spoke to the Committee in objection to the application. Councillor Gifford, in his capacity as Ward Councillor, also spoke in objection to the application.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained in the addendum, the Committee was of the opinion that the application should be granted in accordance with the recommendations in the report, but with a condition requiring the Hyde Place access to be fitted with a self-closer and a locking mechanism which automatically locks the gate when it shuts to ensure that the gate automatically locks when shut in the interests of

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the security of the site and the provision of a safe and accessible residential environment. Officers also agreed to produce a note to express to the applicant the Committee's concern that appropriate levels of low lighting be used in the car park.

RESOLVED that W13/0502 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) 03B, 04C & 05C, and specification contained therein, submitted on 22 May 2013 and 29 May 2013. **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 windows (including a section showing the window reveal, heads and cill details), eaves, verges, parapets, rainwater goods and the lightwell grilles 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:** 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) 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

PLANNING COMMITTEE MINUTES (Continued)

(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, 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. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development 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) all hard surfaces hereby permitted shall be constructed of porous materials. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan;

PLANNING COMMITTEE MINUTES (Continued)

- (7) 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;
- (8) all rainwater goods for the development hereby permitted shall be metal. **REASON:** 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;
- (9) the roofing material for the development shall be natural slate. **REASON:** 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;
- (10) all window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** 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;
- (11) 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 new windows to be formed in the west elevation of the building (as annotated on drawing no. 05C) shall only be glazed or re-glazed with obscure glass. **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;
- (12) 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. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

PLANNING COMMITTEE MINUTES (Continued)

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;

- (13) none of the dwellings hereby permitted shall be occupied until the bin store has been constructed and is available for use in strict accordance with the approved plans.

REASON: To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (14) none of the dwellings hereby permitted shall be occupied until the proposed wall and fence along the rear boundary with Nos. 1-3 The Mews has been constructed in strict accordance with the approved plans.

REASON: To protect the living conditions of neighbouring dwellings, in accordance with Policy DP2 of the Warwick District Local Plan;

- (15) 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 bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat mitigation and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details and any required mitigation works shall be complete in full accordance with the approved details and 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;

- (16) no part of the development hereby permitted shall be occupied unless and until the cycle

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parking, car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street cycle parking, 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;

- (17) no lighting or illumination of any part of the parking areas 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 & DP9 of the Warwick District Local Plan 1996-2011;
- (18) no vehicular access shall be provided to the site from Hyde Place. **REASON:** In the interests of highway safety and to protect the living conditions of neighbouring dwellings, in accordance with Policies DP2 and DP6 of the Warwick District Local Plan;
- (19) the access to the site shall not be widened in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011. **REASON:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (20) the development shall not be occupied until all parts of the existing eastern access within the public highway not included in the permitted means of access has been closed and the kerb, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan

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1996-2011;

- (21) the access to the site for cars shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (22) the pedestrian entrance into the site located on the rear boundary of the property shall be secured by means of a gate which is permanently fitted with a self-closer and a locking mechanism which automatically locks the gate when it shuts. **REASON:** To ensure that the gate automatically locks when shut in the interests of the security of the site and the provision of a safe and accessible residential environment.

22. W13/0589 – SHOP, 163 CROMWELL LANE, BURTON GREEN, KENILWORTH

The Committee considered an application from Mr Paul Oliver for the change of use of a shop (A1) to a dwelling house (C3).

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

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)

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

RAP11 - Rural Shops and Services (Warwick District Local Plan 1996 - 2011)

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

Open Space (Supplementary Planning Document - June 2009)

Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the officer's opinion that the proposal would result in the loss of a rural retail use contrary to the requirements of Local Plan Policy RAP11 which specifically set out the criteria to be satisfied in that respect. Whilst evidence had been submitted in relation to one of the criteria, no evidence has been submitted in respect of the other two, such that the proposal was not considered to be in accordance with the policy. No special circumstances had been identified to justify a departure from the policy and

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the proposal was considered to adversely impact upon the provision of local services and amenities in the surrounding area.

Mr Faxon and Ward Councillor Mrs Blacklock addressed the Committee in support of the application.

Following consideration of the report and presentation, along with the representations made at the meeting, the Committee was of the opinion that the application should be granted contrary to the recommendations in the report, with a condition placing a three year time limit on the change of use.

RESOLVED that W13/0589 be GRANTED, subject to a three year time limit being placed on the change of use.

23. W13/0513 – BRACKEN HOUSE, LITTLE MANOR FARM, MANOR LANE, PINLEY GREEN, WARWICK

The Committee considered a retrospective application from Mr and Mrs Haynes for the erection of a garden room extension to dwelling.

The application was presented to the Committee because an objection had been made by Rowington Parish Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework

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

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

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

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

An addendum advised the Committee that the applicants had responded to objections received in respect of the application by advising that; they were not aware of the removal of permitted development rights at the property; by explaining that after the Council had made contact, works had continued in order to make the structure waterproof; and by clarifying that they were not aware of further unauthorised development at the site.

It was the officer's opinion that the development did not prejudice the openness and rural character of the Green Belt. It was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, along with the information contained in the addendum, the Committee was of the opinion that the application should be granted in accordance with the recommendations in the report.

RESOLVED that W13/0513 be GRANTED.

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24. W13/0569 – FALCON BARN, BIRMINGHAM ROAD, HASELEY, WARWICK

An addendum circulated at the meeting advised the Committee that discussions were taking place with the applicant and the scheme was being amended. Councillor Mrs Gallagher had made the original request that this item be considered by the Committee, but she had since withdrawn that request. The item was therefore withdrawn from the agenda.

25. PUBLIC SPEAKING PROCEDURES FOR THE GATEWAY DEVELOPMENT APPLICATION

The Committee was requested to confirm the public speaking arrangements in respect of a major application, the Gateway Development application, to be considered by Planning Committee on 12 June 2013, as follows:

- (1) the three Parish Councils (Baginton, Stoneleigh & Ashow and Bubbenhall) be given five minutes each to speak;
- (2) objectors be allowed to speak for a total of 50 minutes;
- (3) supporters be allowed to speak for an equal amount of time to the objectors, that being for a total of 50 minutes; and
- (4) District Councillors be given the standard 10 minutes each to speak.

RESOLVED that the procedures in respect of the Gateway Development application, to be considered by Planning Committee on 12 June 2013, be amended as follows:

- (1) the three Parish Councils (Baginton, Stoneleigh & Ashow and Bubbenhall) be given five minutes each to speak;
- (2) objectors be allowed to speak for a total of 50 minutes;
- (3) supporters be allowed to speak for an equal amount of time to the objectors, that being for a total of 50 minutes; and
- (4) District Councillors be given the standard 10 minutes each to speak.

(The meeting ended at 8.25 pm)