

Planning Committee

Minutes of the meeting held on Tuesday 3 March 2015 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Rhead (Chairman); Councillors Boad, Mrs Bromley, Brookes, Mrs Bunker, Doody, Weber, Wilkinson and Williams.

There were no apologies.

On behalf of the Committee, the Chairman paid respects to Councillor MacKay, who had served on Planning Committee for many years until his recent death.

150. **Substitutes**

There were no substitutions.

151. **Declarations of Interest**

Minute Number 154 – W14/1834 – 27 Radford Road, Royal Leamington Spa

Councillor Weber declared an interest because he knew some of the speakers. He informed Members that he was not pre-determined.

Councillor Wilkinson declared an interest because he knew some of the speakers. He informed Members that he was not pre-determined.

Minute Number 155 – W14/1840 – 89 Leam Terrace, Royal Leamington Spa

Councillor Weber declared an interest because he knew some of the speakers. He informed Members that he was not pre-determined.

Councillor Wilkinson declared an interest because he knew some of the speakers. He informed Members that he was not pre-determined.

Minute Number 156 – W15/0020 – Unit 3, Regent Court, Livery Street, Royal Leamington Spa

Councillor Weber declared an interest because the application site was in his ward. He would be speaking as Ward Member and therefore would leave the room after he had made his speech and not return until the decision on the application had been resolved.

Councillor Wilkinson declared an interest because he knew some of the speakers. He informed Members that he was not pre-determined.

Minute Number 157 – W14/1729 – Station Road and 82-90 Priory Road, Kenilworth

Councillor Mrs Bunker declared an interest because she knew the applicant.

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Minute Number 158 – W14/1753 – 1 Goldsmith Avenue, Warwick

Councillor Williams declared an interest because the applicant was a customer of the company he worked for. Councillor Williams informed Members that he had not given any advice to the applicant.

Minute Number 159 – W15/0117 – Nexus House, 10 Coten End, Warwick

Councillor Mrs Bromley declared an interest because the application site was in her ward.

Minute Number 160 – W14/1569 – Mallards Reach, Barford Road, Barford

Councillor Rhead declared an interest because the application site was in his ward.

152. Site Visits

To assist with decision making, Councillors Mrs Bromley, Mrs Bunker, Doody, Rhead, Weber, Wilkinson and Williams visited the following application sites on Saturday 28 February 2015:

W14/1729 – Station Road and 82-90 Priory Road, Kenilworth

W14/1840 – 89 Leam Terrace, Royal Leamington Spa

W14/1725 – 2a Church Terrace, Royal Leamington Spa

W14/1753 – 1 Goldsmith Avenue, Warwick

W15/0117 – Nexus House, 10 Coten End, Warwick

153. Minutes

The minutes of the meeting held on 3 February 2015 were agreed and signed by the Chairman as a correct record.

154. W14/1834 – 27 Radford Road, Royal Leamington Spa

The Committee considered an application from Mrs Sanghera for a change of use from C4 six bedroom HMO to Sui Generis seven bedroom HMO.

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

The officer considered the following policies to be relevant:

The National Planning Policy Framework

The Existing Local Plan

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

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

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

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

The Emerging Local Plan

PLANNING COMMITTEE MINUTES (Continued)

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

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

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

HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Vehicle Parking Standards (Supplementary Planning Document)
National Planning Policy Framework

It was the officer's opinion that the proposed addition of one bedroom to the existing six bed HMO was not considered to result in significant harm to a degree that would warrant a recommendation of refusal.

An addendum provided at the meeting corrected a mistake to remove a double negative in the Summary/Conclusion of the report.

The following people addressed the Committee:

- Councillor Knight, Royal Leamington Spa Town Council, objecting to the application;
- Mr Fyfe, local resident, objecting to the application;
- Mrs Sanghera, applicant; and
- Councillor Weed, Ward Member, objecting to the application.

A motion to grant the application was defeated.

Members recognised Councillor Weed's argument that this application, if granted, could spark a further growth in the number of rooms provided in an HMO and, therefore, intensify the concentration of people living in HMOs. It was felt that the HMO Policy went against its intention to maintain a balance in communities and an additional room in an area of high density went against the objectives of the Policy. It was also felt that if the application was granted, it would result in a further shortfall in parking space requirements.

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

Resolved that application W14/1834 be **refused** because it is contrary to the objectives of the HMO policy in the Emerging Local Plan and contrary to parking requirements.

Councillor Boad arrived immediately after the planning officers' presentation and therefore refrained from voting on this item.

PLANNING COMMITTEE MINUTES (Continued)

155. W14/1840 – 89 Leam Terrace, Royal Leamington Spa

The Committee considered an application from Mr & Mrs Goodwin for the erection of a single storey side and rear extension and a two storey rear extension.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

The 45 Degree Guideline (Supplementary Planning Guidance)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Distance Separation (Supplementary Planning Guidance)
Vehicle Parking Standards (Supplementary Planning Document)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the officer's opinion that the proposed two storey rear extension and single storey rear extension were acceptable in terms of flooding, and its character and appearance within the street scene and did not significantly

PLANNING COMMITTEE MINUTES (Continued)

impact on the amenities of surrounding neighbours or the Conservation Area such as would support a reason for refusal.

An addendum provided at the meeting advised that further comments had been received from the occupants of the neighbouring property following the submission of amended plans. Concern was raised about the height of the side wall nearest to their property which had increased from three metres to four metres which would block out further light to their property and make their side access more oppressive.

The following people addressed the Committee:

- Councillor Knight, Royal Leamington Spa Town Council, objecting to the application;
- Mrs Williams, local resident, objecting to the application; and
- Councillor Weed, Ward Member, objecting to the application.

Members had noted on the site visit that it was a very special street scene and felt that the proposals would be seen. It was felt that any proposal made should make a positive contribution to the street scene if it were to be approved.

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

Resolved that application W14/1840 be **refused** because of the impact of the proposal on the character and appearance of the Conservation Area - Policies DAP8, DAP9 and Emerging Local Plan Policy HE2.

156. **W15/0020 – Unit 3, Regent Court, Livery Street, Royal Leamington Spa**

The Committee considered an application from New River Retail for a variation of condition 6 of planning permission ref. W13/1578, to allow for the creation of an outdoor seating area in front of Unit SU3, Regent Court to be used between 0930 hours and 2100 hours. The restriction would remain in place for the remainder of the units covered by planning permission ref. W13/1578, except Units 2, 6 and 7a where outdoor seating areas had previously been expressly authorised for use between 0930 hours and 1930 hours.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

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

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

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

PLANNING COMMITTEE MINUTES (Continued)

TCP13 - Design of Shopfronts (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
TCP5 - Secondary Retail Areas (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)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

It was the officer's opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Therefore, it was recommended that planning permission was granted for the variation of this condition.

An addendum circulated at the meeting corrected two conditions stated in the report and gave details of comments made by Environmental Health. Whilst Environmental Health did not object to the application, it was stated that the nature of the Regent Court area had altered since the change of use of retail units to restaurants. This had had an impact on noise levels in the area, particularly in the evenings. As the area became busier at night it became more difficult to distinguish between "street" noise and the noise arising from particular premises' seating areas. Environmental Health officers felt that this made balancing what was acceptable for a specific application more difficult. It was felt that the current 19.30 restriction applied one level of control and complaints had been received about this situation. Officers felt that additional seating would impact on the noise levels because of the overall activity but it would be difficult to argue that this would be unacceptable in itself, in view of the changed character of the area. To allow outdoor seating until 21.00 increased the potential for the cumulative impact of noise from general disturbance to affect residents later into the evening. It was not clear that statutory nuisance would result from this individual application, not least because the baseline for assessing this had changed as the character of the area had changed.

For this reason, Environmental Health had not objected to the application, but reminded Members that they would need to take a view as to what was applied for might unacceptably alter the existing character of the area.

The following people addressed the Committee:

- Councillor Knight, Royal Leamington Spa Town Council, objecting to the application;
- Mr Barnwell, local resident, objecting to the application;
- Mr Wareing, consultant acting on behalf of the applicant; and
- Councillor Weber, Ward Member, objecting to the application.

PLANNING COMMITTEE MINUTES (Continued)

Members felt that the comments from Environmental Health were not particularly helpful, saying one thing and then another. They also took on board comments from Councillor Weber that if the extension to 21.00 hours was permitted, then the company left the unit and sold it to another company, this extended time would still apply and the new occupant might not be at the higher end of dining business and consequently the noise levels could increase. It was also felt that if this application was granted, other restaurants would seek to extend the time from 19.30 to 21.00.

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

Resolved that application W15/0020 for a variation of Condition 6 be **refused** because of the impact on neighbouring residents at upper floor levels – Policies DP2 and DP9.

(Councillor Weber, following his speech as Ward Member, left the room until the decision on this item had been reached.)

157. W14/1729 – Station Road and 82-90 Priory Road, Kenilworth

The Committee considered an application from Virgate Properties Limited for the demolition of numbers 82-90 Priory Road; old showrooms and storage buildings to the northern boundary and the erection of a three storey building to provide nine number two bedroom flats.

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

The officer considered the following policies to be relevant:

The National Planning Policy Framework

The Current Local Plan

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

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

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)

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

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

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

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

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

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

TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

The Emerging Local Plan

EC3 - Protecting Employment Land and Buildings (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

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

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

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

Guidance Documents

Sustainable Buildings (Supplementary Planning Document - December 2008)

Open Space (Supplementary Planning Document - June 2009)

The 45 Degree Guideline (Supplementary Planning Guidance)

Vehicle Parking Standards (Supplementary Planning Document)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Distance Separation (Supplementary Planning Guidance)

It was the officer's opinion that this would be an appropriate site for new residential development and the scheme raised no objections in terms of residential amenity, car parking and highway safety. The proposed building on Station Road, within the conservation area, provided an acceptable design solution, however it was the scale and massing of the proposed building fronting Priory Road which was considered to fail to harmonise with the prevailing character of development within the street scene to the extent that it was therefore recommended that planning permission was refused.

The following people addressed the Committee:

- Mrs Payne, local resident, objecting to the application; and
- Mr Simmons, applicant.

Members noted that the design for Priory Road was largely the same as that for Station Road, but where Station Road had five flats, Priory Road had three.

A motion to refuse the application was defeated.

Members felt that the design of the building would enhance the life of residents and would be an imposing building to have opposite the new railway station. It was an enhancement to the current street scene. It was felt that the proposals were in accordance with the NPPF.

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

Resolved that application W14/1729 be **granted** because it was in accordance with the NPPF because the design was considered to be appropriate within

PLANNING COMMITTEE MINUTES (Continued)

the surrounding area. Conditions would be set by officers in consultation with the Chairman.

158. W14/1753 – 1 Goldsmith Avenue, Warwick

The Committee considered an application from Mr Jobling for the erection of a new three bedroom dwelling.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (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)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

PLANNING COMMITTEE MINUTES (Continued)

Guidance Documents

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Open Space (Supplementary Planning Document - June 2009)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Vehicle Parking Standards (Supplementary Planning Document)

It was the officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents or highway safety. The proposal was therefore considered to comply with the policies listed.

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

Resolved that application W14/1753 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) 250, 251, 351, 352, 150 Rev B, and specification contained therein, submitted on 04/12/14. **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) 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
 - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

PLANNING COMMITTEE MINUTES (Continued)

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

- (4) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall 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;
- (5) 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. **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;
- (6) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place in these areas. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees and mature

PLANNING COMMITTEE MINUTES (Continued)

landscaping within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (7) 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 or,
 - b) not commence until a qualified ecologist has been appointed by the applicant to inspect the buildings to be demolished and vegetation to be cleared for evidence of nesting birds. This inspection must take place immediately prior to the commencement of works. If evidence of nesting birds is found then works in the affected area may not proceed within the nesting bird season (March to September inclusive) unless the local planning authority has received written confirmation from the ecologist that the young have fledged.
- Reason:** To ensure that protected species are not harmed by the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011 and NPPF;
- (8) 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 development shall be carried out which comes within Classes A, B or E of Part 1 of Schedule 2 of this Order.
- Reason:** That due to the restricted nature of the infill development plot and its close relationship with the adjoining property it is considered necessary to ensure that no additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;
- (9) noise arising from the air source heat pump hereby permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

PLANNING COMMITTEE MINUTES (Continued)

Reason: To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (10) the development hereby approved shall not be occupied unless and until the approved off-street car parking spaces have been provided to both existing and proposed properties in accordance with the approved details on drawing No.150 Rev B and visibility splays have been provided to the vehicular access to No.1 Goldsmith Avenue, with an 'x' distance of 2.4 metres and 'y' distances of 25 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. The driveways shall also be surfaced in a bound material. Thereafter car parking facilities shall remain available for use at all times. **Reason:** To ensure that a satisfactory provision of off-street car parking is 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
- (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 window(s) to be formed in the side-facing southwest elevation of the dwellinghouse hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **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.

159. **W15/0117 – Nexus House, 10 Coten End, Warwick**

The Committee considered an application from Mr Jhita for the demolition of the existing out building and the erection of a two storey dwelling.

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

PLANNING COMMITTEE MINUTES (Continued)

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)
HE3 - Control of Advertisements in Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

Open Space (Supplementary Planning Document - June 2009)
Distance Separation (Supplementary Planning Guidance)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the officer's opinion that the development was acceptable in principle and would provide an acceptable design solution that did not adversely affect the amenity of the street scene, nearby residents or highway safety. The proposal was therefore considered to comply with the policies listed.

Members remarked on a comment received from County Councillor Warner about the loss of amenity land, but noted that there was no amenity land to lose.

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

PLANNING COMMITTEE MINUTES (Continued)

Resolved that application W15/0117 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) 0505-A0502-D, and specification contained therein, submitted on 28/01/15. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) the development shall be carried out only in full accordance with sample details of the facing and roofing materials, which shall 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;

PLANNING COMMITTEE MINUTES (Continued)

- (5) notwithstanding approved plans the balcony hereby permitted shall not be used unless and until the privacy screen(s) have been installed in full accordance with 1:10 large scale details, to be submitted to and approved in writing by the local planning authority. Once installed such screens shall not be removed or altered in any way. **Reason:** In the interests of the visual amenities and natural environment of the locality in accordance with Policies DP3 of the Warwick District Local Plan 1996-2011;
- (6) no part of the development hereby permitted shall be commenced (including demolition) until a scheme for the protection of the existing tree to be retained adjoining the site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve an existing tree adjacent to the site which is of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (7) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;
- (8) notwithstanding the provisions of the Town and

PLANNING COMMITTEE MINUTES (Continued)

Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no further windows or openings (apart from any shown on the approved drawings) shall be formed in the dwellinghouse hereby approved without the written approval of the local planning authority and if any additional windows are subsequently approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **Reason:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011; and

- (9) the development shall not be occupied unless and until the car parking and bin storage areas indicated on the approved drawings have been provided (including the surfacing of the access in a bound material) and thereafter those areas shall be kept available for such use at all times. **Reason:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

160. W14/1569 – Mallards Reach, Barford Road, Barford

The Committee considered an application from Ms Samrai for the erection of one number dwelling and elevational alterations to the existing house.

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

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (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)

PLANNING COMMITTEE MINUTES (Continued)

DP3 - Natural and Historic Environment and Landscape (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)

The Emerging Local Plan

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

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

DS2 - Providing the Homes the District Needs (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

H0 - Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

H1 - Directing New Housing (Warwick District Local Plan 2011-2029 Publication Draft April 2014)

HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

HE6 - Archaeology (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

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

Guidance Documents

Distance Separation (Supplementary Planning Guidance)

Open Space (Supplementary Planning Document - June 2009)

Vehicle Parking Standards (Supplementary Planning Document)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

The 45 Degree Guideline (Supplementary Planning Guidance)

It was the officer's opinion that the development was acceptable in principle and provided an appropriate design solution in terms of scale, height, form and massing and did not adversely affect the setting of the conservation area, the amenity of nearby residents or highway safety. The proposal was therefore considered to comply with the policies listed.

An addendum circulated at the meeting advised that Ecology had raised no objection to the scheme, subject to a bat note. An additional condition was proposed requiring that the proposed alterations to the property be completed prior to the occupation of the new dwelling house.

A motion to defer the decision pending a site visit was defeated following the use of the Chairman's casting vote.

Members were informed that only lower quality trees would be removed and that key or mature trees were protected.

PLANNING COMMITTEE MINUTES (Continued)

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

Resolved that application W14/1569 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) 0502-A; SK01 C; 0303; 0500A; 0501-B and specification contained therein, submitted on 27/10/14. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) the development shall be carried out only in full accordance with sample details of the facing and roofing materials which shall 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

PLANNING COMMITTEE MINUTES (Continued)

interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (5) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the Local Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **Reason:** In order to protect and preserve existing trees and mature landscaping within the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (6) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the right and 120 metres to the left to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway and measures not less than 3 metres wide. **Reason:** To ensure that a satisfactory access is provided 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;

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- (7) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (8) the development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which have been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;
- (9) the development shall not be occupied unless and until the 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 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

PLANNING COMMITTEE MINUTES (Continued)

1996-2011; and

- (10) a condition requiring that the proposed alterations to the property be completed prior to the occupation of the new dwelling house.

161. W14/1725 – 2a Church Terrace, Royal Leamington Spa

The Committee considered an application from Oxford and Witney Factors for the change of use from use Class A2 to create a four bedroom dwelling house (use Class C3).

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

The officer considered the following policies to be relevant:

The Current Local Plan

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR4 - Parking (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- FW1 - Development in Areas at Risk of Flooding (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

PLANNING COMMITTEE MINUTES (Continued)

Guidance Documents

Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Open Space (Supplementary Planning Document - June 2009)
National Planning Policy Framework

It was the officer's opinion that the development was acceptable in principle and the conversion would form an acceptable design solution that did not adversely affect the amenity of nearby residents or highway safety. The proposal was therefore considered to comply with the policies listed.

Members were concerned that the residence might be used as an HMO, and therefore sought a commitment from Enforcement Officers that they would visit the property after four months of occupancy to check that it was not being used as an HMO. Planning Officers gave assurance to Members and stated that they would report back to Committee following the visit.

Following consideration of the report and presentation, the Committee

Resolved that application W14/1725 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) 02A, 04A and specification contained therein, submitted on 18/02/15. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) before the development hereby permitted is first occupied, the property shall be signed up to receive flood warnings from the Environment Agency's flood warning register. **Reason:** To mitigate against the impacts of flood risk, in accordance with the National Planning Policy Framework;
- (4) the dwelling hereby permitted shall be not occupied unless and until the bin storage area has been provided in strict accordance with the approved plans. The bin storage area shall thereafter be retained in perpetuity. **Reason:**

PLANNING COMMITTEE MINUTES (Continued)

To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011;

- (5) all external facing materials for making good in association with the alterations 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; and

- (6) 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.

162. W14/1757 – 3 Haseley Court, Birmingham Road, Haseley, Warwick

The Committee considered an application from Mr Waterworth for the erection of a single-storey building comprising a summer room and store, positioned to the rear of the application property.

The application was presented to the Committee because Beausale, Haseley, Honiley and Wroxall Parish Council had supported the application.

The officer considered the following policies to be relevant:

National Planning Policy Framework

The Current Local Plan

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

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

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

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

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

RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

The Emerging Local Plan

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

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

PLANNING COMMITTEE MINUTES (Continued)

NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

Guidance Documents

The 45 Degree Guideline (Supplementary Planning Guidance)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

It was the officer's opinion that the proposed outbuilding was not considered to be of appropriate design and was not considered to be appropriate development within the Green Belt. No special circumstances had been put forward which would outweigh the harm to the openness of the Green Belt and therefore, the application should be refused.

An addendum circulated at the meeting advised the full response advising reasons for supporting the application from the Parish Council.

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

Resolved that application W14/1757 be **refused** for the following reasons:

- (1) the application site is located within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with national guidance contained in the National Planning Policy Framework (NPPF).

The erection of a new building constitutes inappropriate development in the Green Belt, which is harmful by definition. The proposed building would also have a material impact on openness. There have been no special circumstances presented to outweigh the harm identified. The proposal would therefore be contrary to the NPPF; and

- (2) 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

PLANNING COMMITTEE MINUTES (Continued)

the building following conversion to protect and where possible, enhance the character and appearance of the countryside.

The application site which lies within the Green Belt, comprises a converted former agricultural building which is part of a larger complex of barns now used for residential occupation. The District Council has approved Supplementary Planning Guidance on barn conversions, and permitted development rights for subsequent extensions and outbuildings are 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.

163. DM Appeals Update Report (July 2014 – present)

The Committee considered an update from Development Services which advised of appeals that had gone to the Planning Inspector for decision, and the outcome of these appeals. The period covered was slightly over a three month period from July 2014.

Members requested that future reports include where costs had been awarded to the applicant and the amount.

164. List of Current Planning and Enforcement Appeals

The Committee received a written update from Development Services which advised of the current list of planning and enforcement appeals awaiting decision. The report was not discussed.

Members asked for a copy of the staff structure in Planning Department to be provided to them.

(Meeting ended at 9.05pm)