

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 25 February 2014 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

An apology for absence was received from Councillor Rhead.

155. **SUBSTITUTES**

Councillor Mrs Sawdon substituted for Councillor Rhead.

156. **DECLARATIONS OF INTEREST**

Minute Number 159 – Agenda Item 8 – W13/1763 – Land to the rear of Holly Walk, Baginton

Councillor MacKay declared an interest because he lived in the village. He informed everyone present that he would neither speak on the application, nor vote.

Councillor Weber declared an interest as a member of the British Humanist Association. He did not participate in the debate or vote on this application and sat away from the Committee with the public.

Minute Number 160 – Agenda Item 13 – W14/1688 – Land to the South of Mallory Road, Bishop's Tachbrook

Councillor Brookes declared an interest because the application site was located in his Ward.

Minute Number 161 – Agenda Item 7 – W13/1491 – Land at Five Ways Road, Shrewley

Councillor Mrs Sawdon declared an interest because her son attended the same school as the applicant's son.

Minute Number 162 – Agenda Item 9 – W14/0011 – 12 West Street, Warwick

Councillor Wilkinson declared an interest because two of the objectors were known to him.

Minute Number 163 – Agenda Item 11 – W/14/0035 – Land at Vine Lane, Warwick

Councillor Wilkinson declared an interest because two of the objectors were known to him.

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Minute Number 164 – Agenda Item 12 – W14/0080 – 2 Westham Lane, Barford

Councillor Mrs Sawdon declared an interest because the application site was located in her Ward.

Minute Number 167 – Agenda Item 14 – W13/1775 – 61 Common Lane, Kenilworth

Councillor Mrs Bunker declared an interest because the application site was located in her Ward.

157. SITE VISITS

To assist with decision making, Councillors Boad, De-Lara-Bond, Doody, MacKay, Weber, and Wilkinson visited the following application sites on Saturday 22 February 2014:

W13/1491 – Land at Five Ways Road, Shrewley

W13/1807 – 92 Rouncil Lane, Kenilworth

W14/0080 – 2 Westham Lane, Barford

Councillor Mrs Bunker attended the visit to 92 Rouncil Lane only and had previously attended a site visit to Land at Five Ways Road, Shrewley.

Councillor Williams made a separate site visit to Land at Five Ways Road, Shrewley and to Land at Vine Lane, Warwick.

158. MINUTES

The minutes of the meeting held on 4 February 2014 were agreed and signed by the Chairman as a correct record.

159. W13/1763 – LAND TO THE REAR OF HOLLY WALK, BAGINTON

The Committee considered a major application for outline planning permission for Baginton Green Limited for the erection of a free school together with two multi-use games areas; a secondary school outdoor recreation space; a primary school outdoor play area; 24 car parking spaces and landscaping and security fencing. This was a resubmission following the refusal of planning application W13/0391 on the grounds of concerns about contamination and the remediation information that had been submitted.

The application was presented to the Committee because a number of objections had been received and objections had been received from Baginton Parish Council and Stoneleigh and Ashow 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)

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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)

It was the officer's opinion that the applicant had demonstrated very special circumstances that outweighed the harm to the Green Belt. Furthermore, it was considered that the proposals would not impact on the setting of the grade I listed church of John the Baptist, the Baginton Castle scheduled ancient monument or the Baginton Conservation Area to the extent that would justify a refusal of planning permission. 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.

An addendum circulated at the meeting informed the Committee that the Trustees of the Lucy Price Sunday School Fund had confirmed that the Nicholls Colton report had addressed their main concerns relating to health and safety of the site and, therefore, they now supported the application.

Mr Bush, representing Baginton Parish Council, addressed the Committee in objection to the application as did Mr Tracey, representing Baginton British Legion.

Mr Frampton spoke in support of the application, followed by Mr Cox, who also spoke in support.

The Head of Development Services advised Members that as the application had previously been refused on the grounds of concerns about contamination, if they then refused this application on other grounds, the Council could find itself liable to an appeal and the associated costs. The Council's solicitor added that if Members chose to depart from the previous decision reasons, then they must have very good grounds, although they were not bound by the previous decision.

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Committee Members sought clarification from Planning officers on the special circumstances to allow this application to be given approval and were informed that they should balance the weight they put on the educational need in the National Planning Policy Framework (NPPF) and the impact on the Green Belt. The Planning officers were satisfied with the Nicholls Colton report and concerns about contamination had been recognised with conditions proposed to alleviate these issues. Further monitoring of the situation would be required to ensure that the concerns had been remediated satisfactorily.

Warwickshire County Council Highways officers present at the meeting confirmed that they were satisfied about the traffic flow issues. The school's operating times meant that the peak times when people would be arriving and leaving the school would not coincide with peak traffic volumes on the surrounding roads.

The Head of Development Services suggested that Members might like to specify that a note to the applicant be added to the outline planning approval on what was expected in terms of height and mass for the building.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, Members voted to grant approval of outline planning permission in accordance with the recommendations in the report, subject to conditions, and subject to a Section 106 agreement or Unilateral Undertaking to secure a contribution of £75,000 for capital improvements to the Millennium Field or some other appropriate form of community benefit within the Parish involving capital improvement works (to be completed by 18 March 2014).

Following the receipt of further comments from Warwickshire County Council as Highways Authority, it was agreed that condition number 13 would be revised to reflect those comments and additionally a note to the applicant would be added to make it clear what the Council expected in terms of height and mass for the building.

RESOLVED that W13/1763 be GRANTED subject to the following conditions, and subject to a Section 106 agreement or Unilateral Undertaking to secure a contribution of £75,000 for capital improvements to the Millennium Field or some other appropriate form of community benefit within the Parish involving capital improvement works (to be completed by 18 March 2014) and a note to the applicant with details of what is expected in terms of height and mass for the building:

- (1) details of the appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and

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- the development shall be carried out in full accordance with these reserved matters as approved. **REASON:** To comply with Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended);
- (2) application for approval of the reserved matters shall be made to the local planning authority not later than three years of the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within three years of the date of permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) 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;
- (5) 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 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 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;

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- (6) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority.
REASON: In the interests of fire safety;
- (7) the development hereby permitted shall not commence until a Landscape and Habitat Management Plan for the application site and the land to the east (edged blue on the site location plan) has been submitted to and approved in writing by the District Planning Authority. The plan should include details of habitat creation measures, native tree and shrub planting, as well as details of on-going management of these features for wildlife. Details of species proposed and sourcing of plants should be included as should proposed locations of bird boxes. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure no net loss of biodiversity and to enhance opportunities for biodiversity at the site in accordance with the National Planning Policy Framework and Policy DP3 of the Warwick District Local Plan 1996-2011;
- (8) no part of the development hereby permitted shall be commenced until a further 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;
- (9) no development shall take place until a site investigation has been designed for the site using the information obtained from the desk-top study. The proposed methodology for the site investigation shall be submitted to and approved in writing by the local planning

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authority prior to that investigation being carried out.

The investigation must include:

- (i) a risk assessment relating to:
 - 1. human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - ground waters and surface waters,
 - ecological systems, and
 - archaeological sites and ancient monuments;
- (ii) a refinement of the conceptual model;
- (iii) a gas risk assessment for the proposed end use;
- (iv) the development of a remediation strategy; and
- (v) details of how the remediation works will be validated upon completion.

No development shall take place until the site investigation, risk assessment and remediation strategy have been undertaken and submitted to and approved in writing by the local planning authority and any remediation works have been completed in strict accordance with the approved details.

REASON: To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (10) the development hereby permitted shall not be occupied until a verification report demonstrating the completion of the works as set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the District Planning Authority. The reports shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. They shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. **REASON:** To safeguard health, safety and the environment

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in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (11) no infiltration of surface water drainage into the ground across the area of the historical landfill site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;
- (12) piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. **REASON:** To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;
- (13) prior to commencement of the use / occupation of the development hereby permitted a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall:
 - (i) specify targets for the proportion of employees and visitors travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
 - (ii) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
 - (iii) make provision for the collection and return of pupils by people-carriers and mini-buses, including details of the routeing arrangements for these vehicles; and
 - (iv) identify a senior manager of the business using the site with overall responsibility for the Plan and a scheme for involving employees of the business in its implementation and

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development.

The development shall be implemented in full accordance with the details contained therein and once implemented the Green Travel Plan shall not be withdrawn or amended in any way.

REASON: In the interest of encouraging the use of alternative modes of transport with the aim of creating a more sustainable development in accordance with Policies SC12 & SC4 of the Warwick District Local Plan 1996-2011;

- (14) the school hereby permitted shall not be occupied unless and until the vehicular access, car parking, cycle parking and manoeuvring areas indicated on the drawings approved under any reserved matters submission have been provided and thereafter those areas shall be kept marked out and available for such use at all times unless otherwise agreed in writing by the local planning authority. **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.
- (15) the vehicular access to the site shall be constructed in strict accordance with drawing no. 0301. **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;
- (16) no lighting or illumination of any part of any building or 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 & DP9 of the Warwick District Local Plan 1996-2011;
- (17) within one month of the first use of the multi-

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use games areas hereby permitted:

- (a) an acoustic assessment of the multi-use games areas when in maximum use shall be carried out to predict the facade noise levels at the nearest noise sensitive receptors (the assessment should be designed in accordance with the principles of BS4142 (Method for rating industrial noise affecting mixed residential and industrial areas)); and
- (b) the acoustic assessment and details of any noise mitigation measures shall be submitted to and approved in writing by the local planning authority.

The mitigation measures shall be implemented in strict accordance with the approved details within 2 months of their approval and thereafter shall not be removed or altered in any way without the prior written approval of the local planning authority.

REASON: To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (18) no person shall use and no activity shall take place within the multi-use games areas before 0900 hours or after 1700 hours on Mondays to Fridays or before 1000 hours or after 1300 hours on Saturdays or at any time on a Sunday or Bank / Public Holiday. **REASON:** To ensure that the multi-use games areas are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (19) any construction works that would be audible outside of the application site shall only take place between 0730 hours and 1700 hours on Monday to Friday or between 0730 hours and 1300 hours on Saturdays. No such works shall take place on Sundays or Bank Holidays. **REASON:** To limit the potential for construction activities to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (20) the development hereby permitted shall not be occupied until the existing public footpath

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along the western boundary of the site has been widened to 3 metres and resurfaced in accordance with details that shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure appropriate access to the proposed development and to ensure that the development does not result in a reduction in the attractiveness or useability of the public right of way, in accordance with Policies DP1, SC4 & SC12 of the Warwick District Local Plan;

- (21) the gross internal floor area of the development hereby permitted shall not exceed 1,761 square metres. **REASON:** To preserve the openness of the Green Belt, to protect the living conditions of nearby dwellings and to protect the setting of the nearby Grade I Listed Church and Scheduled Ancient Monument, in accordance with Policies DP1, DP2, DP4, DAP4 and DAP8 of the Warwick District Local Plan and the NPPF;

- (22) the development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref. MS40819/FRA/ R001 Rev A produced by the JNP Group (dated May 2013) and the following mitigation measures detailed within the FRA:

- (a) limiting the surface water run-off generated by the site to a rate of 11.1 l/s; and
- (b) provision of a Detention Pond designed to cater for the 1 in 100 yr plus climate change event with hydrobrake flow control.

REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site, in accordance with the NPPF and Policy DP11 of the Warwick District Local Plan; and

- (23) the development hereby permitted shall be timetabled and carried out in strict accordance with the Reptile Mitigation Strategy for Land off Bosworth Close, Baginton, by Ecolocation, dated 10th December 2013. The proposed refugia/hibernacula (as outlined in Appendix 5) shall be retained on site in perpetuity.

REASON: To safeguard protected species and important habitats in accordance with the NPPF and Policy DP3 of the Warwick District Local Plan.

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(Councillor Weber sat back with the Committee once all business concerning this application had been completed. Councillor MacKay did not participate in any of the debate or the vote on the application and simply undertook "chairing" duties to invite people to speak and call for a vote on the motion to grant once all debate had completed.)

160. W14/1688 – LAND TO THE SOUTH OF MALLORY ROAD, BISHOP'S TACHBROOK

The Committee considered an outline planning application for Barwood Development Limited for a residential development (use Class C3) for up to 125 dwellings with construction of access from Mallory Road, areas of public open space, landscaping and associated works.

The application was presented to the Committee because a number of objections had been received and because Bishop's Tachbrook Parish Council had objected to the application. The proposal was also contrary to the Development Plan.

The officer considered the following policies to be relevant:

Warwickshire Landscape Guidelines SPG

Development Management Policy Guidance: Achieving a Mix of Market Housing on new Development Sites (Agreed by Executive - 19th June 2013)

Garden Towns, Villages and Suburbs - A prospectus for Warwick District Council (Consultation document - May 2012)

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

National Planning Policy Framework

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)

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

SC14 - Community Facilities (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)

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

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

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

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Open Space (Supplementary Planning Document - June 2009)

Vehicle Parking Standards (Supplementary Planning Document)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Affordable Housing (Supplementary Planning Document - January 2008)

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

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DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP5 - Density (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
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)

It was the officer's opinion that, as the Council could not demonstrate a five year supply of deliverable sites for housing, the NPPF required a balancing exercise to be carried out to establish whether the harmful impacts of the scheme were so great as to significantly and demonstrably outweigh the benefits of the scheme. In addition, the NPPF placed great weight on the conservation of heritage assets, although it had been concluded that such harm in this case was limited.

The public benefits of the scheme consisted of the provision of market and affordable housing which would increase choice, meet local needs, and increase housing supply in the District, the provision of employment during construction, and the provision of open space, whilst improvements to sports facilities, rights of way, health care and schools would be provided to meet the needs of the development. However, the proposed site layout and design, and the proposed means of access to the site would not provide a sustainable development and would not enable integration into the village. There would be an adverse impact on the surrounding landscape resulting from encroachment, and on views of the village from the north.

It was considered that these adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, and that the development would not therefore constitute sustainable development. In addition, the development would conflict be Local Plan Policy DAP1 since it would not achieve good layout or design and would harm the character and setting of the village.

Since no Section 106 agreement had been secured to make adequate provision for affordable housing, public open space, community facilities and infrastructure, this should form a separate reason for refusal.

An addendum circulated at the meeting, advised the Committee that three further objections had been received raising the same issues as those listed in the officer's report. Bishop's Tachbrook Parish Council had reiterated its objection to the scheme and clarified that in its view the scheme amendments did not address its previous issues and worsened the traffic situation in terms of the number of connections into the road.

Councillor Day, representing Bishop's Tachbrook Parish Council, addressed the Committee in objection to the application; followed by Mr Wilshaw, who addressed the Committee in support of the application.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within

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the addendum, the Committee resolved that the application should be refused in accordance with the officer's recommendations.

RESOLVED that W14/1688 be REFUSED for the following reasons:

- (1) the NPPF sets out the presumption in favour of sustainable development, and includes high quality of design as a core planning principle. It requires planning authorities to plan positively for high quality and inclusive design, and to ensure decisions address the connections between people and places, and the integration of new development into the built environment. Warwick District Local Plan 1996-2011 Policy DP1 only permits development which contributes positively to the character and quality of its environment through good layout and design. Development proposals are expected to demonstrate that they harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use, reinforce or enhance the established urban character of streets, and integrate with existing paths and streets.
It is considered that the proposed development fails to integrate into the existing settlement, achieves poor layout and design, and represents an unsustainable form of development. In addition, the development would have an adverse impact on the visual amenity of rural area. These adverse impacts are considered to significantly and demonstrably outweigh any benefits of the development, and the development is not considered a sustainable form of development, and the development is therefore contrary to the National Planning Policy Framework. The development would also be contrary to Local Plan Policy DP1 since it would not achieve good layout or design, and would harm the character and setting of the rural area and village; and
- (2) the proposed development would be contrary to Policies SC11, SC13 and SC14 of the Warwick District Local Plan 1996-2011, in that no mechanism has been provided to secure affordable housing, public open space, ecological bio-diversity off-setting, or improvements to highways, libraries, education or health care, and therefore the infrastructure needs generated by the development have not

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been satisfactorily secured.

161. W13/1491 – LAND AT FIVE WAYS ROAD, SHREWLEY

The Committee considered an application for Sammi Developments Limited for the demolition of four chicken sheds and their replacement with two dwellings and associated infrastructure and landscaping.

The application was presented to the Committee because Shrewley Parish Council supported the application and five or more letters of support had been received. Furthermore a District Councillor had asked for it to go to Committee.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
Distance Separation (Supplementary Planning Guidance)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

An addendum circulated at the meeting advised that a further letter of support had been received which stated that the removal of the chicken sheds would be an improvement.

It was the officer's opinion that the proposed development comprised inappropriate development within the Green Belt to which there was an objection in principle and in respect of which no very special circumstances had been demonstrated sufficient to overcome that objection. It was also considered that the proposed development would result in the increased domestication of the countryside to the detriment of the visual amenities and character of the area and that it had not been demonstrated that any impact on great crested newts could be adequately mitigated.

Mr Hoare addressed the Committee in support of the application, followed by Councillor Mrs Gallagher who spoke also in support of the application. It was pointed out that no objections had been made.

Members were conscious that there was no demonstrable need for housing in the location. Members were also aware that if this application was allowed, others could follow in a location unsuitable for sustainable development. Whilst the chicken sheds were unsightly, it was accepted that such structures would be expected in this rural setting and problems with vermin would be commonplace with any agricultural buildings.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within

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the addendum, the Committee resolved that the application should be refused in accordance with the recommendations in the report.

RESOLVED that W13/1491 be REFUSED for the following reason:

- (1) the application site is located within the open countryside and Green Belt. The proposed development comprises inappropriate development within the Green Belt to which there is an objection in principle and in respect of which no very special circumstances have been demonstrated sufficient to overcome that objection. The proposed development will also result in the increased domestication of the countryside to the detriment of the visual amenities and character of the area and it has not been demonstrated that any impact on great crested newts can be adequately mitigated.

The proposed development is therefore contrary to the National Planning Policy Framework and to policies DP1, DP3 and DAP3 of the Warwick District Local Plan 1996 - 2011.

162. W14/0011 – 12 WEST STREET, WARWICK

The Committee considered an application for Mr Douglas for a change of use Class A1 (retail) to use Class A4 (drinking establishments).

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

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)

An addendum circulated at the meeting informed Members of the objections made by Warwick Town Council.

It was the officer's opinion that the proposed use would not cause unacceptable levels of noise pollution or other disturbance, would maintain the retail predominance of the frontage, and would preserve the character

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and appearance of the Conservation Area. The proposal would, therefore, comply with the policies listed.

Councillor Sullivan, Town Councillor for Warwick West, addressed the Committee in objection to the application, followed by Mr Downie, who also spoke in objection.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee resolved that the application should be granted in accordance with the recommendations in the report.

RESOLVED that W14/0011 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) (Promap submitted on 13 January 2014. Floor plan submitted on 6 January 2014), 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 use hereby permitted shall only be open to the public and customers during the hours of 10.00 and 23.00 Monday to Sunday. **REASON:** To ensure that the buildings are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (4) all refuse associated with the use hereby permitted shall be stored within the rear garden area edged blue on the approved Promap drawing submitted on 13 January 2014. **REASON:** To prevent refuse storage on the frontage where it would adversely impact on the street scene and Conservation Area, in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (5) there shall be no use by public or customers of the rear garden area edged blue on the approved Promap drawing submitted on 13

PLANNING COMMITTEE MINUTES (Continued)

January 2014. **REASON:** To protect the amenities of nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

163. W14/0035 – LAND AT VINE LANE, WARWICK

The Committee considered an application for Anton Gerard Limited for the erection of three no. one bedroomed starter homes with three no. integral car ports and the demolition of the existing garages.

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

The officer considered the following policies to be relevant:

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
Distance Separation (Supplementary Planning Guidance)
The 45 Degree Guideline (Supplementary Planning Guidance)
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)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)
Vehicle Parking Standards (Supplementary Planning Document)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

An addendum circulated at the meeting advised that a further petition containing 90 signatures had been received from residents within the W3 parking zone, listing reasons for the objections. Also two further objections had been received with more concerns. A collective email had been received responding to the committee report giving reasons for objecting to the application.

The addendum also advised that the archaeologist at Warwickshire County Council had inspected the site particularly with reference to the presence of an air raid shelter and confirmed that there were no objections to the development in that respect.

It was the officer's opinion that the proposed development was of an acceptable standard of design which would harmonise with the design and appearance of its surroundings and did not result in an unacceptable adverse impact on the amenity of nearby residents by reason of

PLANNING COMMITTEE MINUTES (Continued)

overbearing effect, loss of light or privacy, and would make appropriate provision for the parking of vehicles. The proposal was, therefore, considered to comply with the policies listed.

Miss Wetz, representing local residents, addressed the Committee in objection to the application followed by Mr Cummings who spoke in support of the application. Councillor Mrs Higgins addressed the Committee in objection to the application. The Chairman refused her request to hand in a petition at the meeting. She asked Members to defer a decision until they had conducted a site visit.

A motion to defer a decision until a site visit had been conducted was defeated four votes to three.

Members were concerned about the design and access, with the design being out of character to surrounding properties. They made it clear that if the design was right, they would consider another application.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee resolved that the application should be refused contrary to the recommendations in the report.

RESOLVED that W14/0035 be REFUSED for the following reasons:

The proposed development by reason of its detailed design, layout and positioning will result in:

- (1) the introduction of an unsympathetic and incongruous feature within the street scene which does not positively contribute to the character of the environment within the surrounding area to the detriment of the visual amenities of that area; and
- (2) the provision of three units of residential accommodation over three storeys which make insufficient provision for safe, easy and inclusive access particularly to the primary areas of accommodation located within the upper floor levels of the proposed buildings to the detriment of the availability of that residential accommodation to all sections of the community contrary to the National Planning Policy Framework and policies DP1 and DP15 of the Warwick District Local Plan 1996-2011.

164. W14/0080 – 2 WESTHAM LANE, BARFORD

The Committee considered an application for Mr Peters for the construction of one dwelling, new access and associated works.

PLANNING COMMITTEE MINUTES (Continued)

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

The officer considered the following policies to be relevant:

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

Distance Separation (Supplementary Planning Guidance)

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

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)

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)

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)

National Planning Policy Framework

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Open Space (Supplementary Planning Document - June 2009)

Vehicle Parking Standards (Supplementary Planning Document)

Warwickshire Landscape Guidelines SPG

Sustainable Buildings (Supplementary Planning Document - December 2008)

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

An addendum circulated at the meeting informed Members that Warwickshire County Council Highways had raised no objection subject to additional conditions requiring visibility splays, a surfaced driveway and verge crossing.

Two further objections had been received, substantively raising the same issues as those already received along with some additional comments.

It was the officer's opinion that the proposals would preserve the character and appearance of the Conservation Area and the adjacent countryside, would not lead to unacceptable harm to neighbouring amenity or highway safety, and would comply with the policies listed.

Mr Taylor-Watts addressed the Committee in objection to the application, followed by Mr Bromley who spoke in support.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee resolved that the application be granted in

PLANNING COMMITTEE MINUTES (Continued)

accordance with the officer's recommendations and with the additional conditions requested by Warwickshire County Council Highways.

RESOLVED that W14/0080 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) (751-02A; 751-03A submitted on 21 January 2014), 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) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the local planning authority before any construction works are commenced. Development shall be carried out in accordance with the approved details. **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;
- (4) 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;
- (5) 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

PLANNING COMMITTEE MINUTES (Continued)

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.

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

(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) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced until adequate

PLANNING COMMITTEE MINUTES (Continued)

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 and which are within the Barford Conservation Area. 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 area and which would provide an enhanced standard of appearance to the development in accordance with Policies DP3 and DAP8 of the Warwick District Local Plan 1996-2011;

- (9) the development hereby permitted shall only be undertaken in strict accordance with details of both soft landscaping works which have been submitted to and approved in writing by the local planning authority. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation of the dwelling hereby permitted. 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

PLANNING COMMITTEE MINUTES (Continued)

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, DP3 and DAP8 of the Warwick District Local Plan 1996-2011;

- (10) the dwelling hereby permitted shall not be occupied unless and until the car parking provision has been constructed or laid out in accordance with approved drawing number 751-02A submitted on 21 January 2014, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the local planning authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011;
- (11) the access to the site shall not be reconstructed 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 Policies DP8 of the Warwick District Local Plan 1996-2011;
- (12) the development hereby permitted shall not be occupied unless and until the external refuse storage area for the development shown the approved drawing no.751-02A submitted on 21 January 2014 has been constructed or laid out and made available for use by the occupants of the development and thereafter those areas shall be retained for refuse storage purposes. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (13) the development hereby permitted shall not be occupied unless and until the external refuse storage area for the development shown the approved drawing no.751-02A submitted on 21 January 2014 has been constructed or laid out and made available for use by the occupants of the development and thereafter those areas shall be retained for refuse storage purposes. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of

PLANNING COMMITTEE MINUTES (Continued)

amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (14) the access to the site for vehicles shall not be used unless a public highway 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 Policies DP8 of the Warwick District Local Plan 1996-2011;

- (15) the development shall not be commenced until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2 metres and 'y' distances of 33 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. **REASON:** In the interests of highway safety in accordance with Policies DP8 of the Warwick District Local Plan 1996-2011; and

- (16) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a suitable bound material for a distance of at least 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policies DP8 of the Warwick District Local Plan 1996-2011.

165. W14/0040 – 33-35 ABBEY END, KENILWORTH

The Committee considered an application for Mr Kuller for the proposed change of use of unit 33 from use Class A3 (restaurant) and unit 35 from A1 (retail) to A4 (drinking establishment) and the erection of a single storey rear extension to unit 35.

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

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

Vehicle Parking Standards (Supplementary Planning Document)
TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)

An addendum circulated at the meeting informed Members that four further objections had been received, raising some additional concerns.

It was the officer's opinion that the proposed use would not cause unacceptable levels of noise pollution or other disturbance, would not materially worsen the existing on street parking situation, would not harm visual amenity and would maintain the retail predominance of the frontage. The proposal would therefore comply with the policies listed.

Following consideration of the report and presentation, along with the information contained within the addendum, the Committee resolved that the application be granted in accordance with the officer's recommendations.

RESOLVED that W14/0040 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) (4272-01-A submitted on 28 January 2014), 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 use hereby permitted shall only be open to the public and customers during the hours of 07.00 and 01.00 Monday to Sunday. **REASON:** To ensure that the buildings are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and
- (4) the use hereby permitted shall not be brought into use prior to the provision of the refuse store shown on the approved drawing (no.01A submitted on 28 January 2014). **REASON:** To ensure suitable refuse storage is provided for the use, in accordance with Policy DP1 of the

166. **W13/1699 – 374 CROMWELL LANE, BURTON GREEN**

The Committee considered an application for Mr Taylor for the raising of the existing roof by 0.6 metres including two front and one rear dormer window and the erection of a single storey side link extension.

The application was presented to the Committee because an objection had been received from Burton Green Parish Council.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
Vehicle Parking Standards (Supplementary Planning Document)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

An addendum circulated at the meeting informed Members Burton Green Parish Council had made further objections to the amended plans.

It was the officer's opinion that it was considered that roof alterations and single storey side extension were acceptable in terms of their effect within the Green Belt; the character and appearance within the street scene and did not significantly impact on the amenities of surrounding neighbours such as would support a reason for refusal.

Following consideration of the report and presentation, along with the information contained within the addendum, the Committee resolved that the application should be granted in accordance with the officer's recommendations.

RESOLVED that W13/1699 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);

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- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended drawing 2348-03H and specification contained therein, submitted on 14th February, 2014. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) 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.

167. W13/1775 – 61 COMMON LANE, KENILWORTH

The Committee considered an application from Ward Burges Limited for the erection of a dwelling house within the garden of number 61 Common Lane. This was a resubmission of application W13/0957, which had been approved on 5 September 2013.

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

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Open Space (Supplementary Planning Document - June 2009)
National Planning Policy Framework

It was the officer's opinion that the proposed development was of an acceptable standard of design which would not cause unacceptable harm to the street scene in which the site was located and would not result in an

PLANNING COMMITTEE MINUTES (Continued)

unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

Several Members of the Committee had visited the application site previously when the application had been considered in September 2013.

Following consideration of the report and presentation, the Committee resolved that the application should be granted in accordance with the officer's recommendations.

RESOLVED that W13/1755 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) 1312/P/01; 1312/P/02; 1312/P/03; 1312/P/04; 1312/P/05; 1312/P/06, & 1341/P/08 and specification contained therein, submitted on 20th December 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) the development shall be carried out only in full accordance with sample details of the external 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) 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;

PLANNING COMMITTEE MINUTES (Continued)

- (5) 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.

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

- (6) 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 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 dwelling house 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

PLANNING COMMITTEE MINUTES (Continued)

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;

- (7) the development hereby approved shall not be occupied unless and until a scheme for the provision of a bat boxes to be erected on dwelling house hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of box type, location and timing of works. Thereafter, the bat box shall be installed and maintained in perpetuity.

Reason: In the interests of minimising the impacts on biodiversity and providing net gains in biodiversity in accordance with the National Planning Policy Framework 2012;

- (8) no use of the development hereby permitted shall commence unless and until an access for vehicles has been constructed to the site not less than 3 metres wide or greater than 5 metres wide at any point in accordance with standard specification of the highway authority. The gradient of the access shall not be steeper than 1 in 12 for a distance of 7.5 metres, as measured from the near edge of the of the public highway carriageway.

REASON: To ensure that a pavement and verge crossing is available for use when the development commences thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (9) 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, Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority.

REASON: To retain control over future development of the premises in the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (10) the development hereby approved shall not be occupied unless and until the areas indicated on the approved drawings for vehicular manoeuvring space and parking have been completed and made available for use. Thereafter these areas 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;
- (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 upper floor windows to be formed in the side (southwest) and (northeast) facing elevations of the dwelling house 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;
- (12) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows or openings, (apart from any shown on the approved drawings) shall be formed in the side-facing elevations 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:** 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;
- (13) the existing tree(s) and shrub(s) indicated on the approved plans to be retained shall not be

PLANNING COMMITTEE MINUTES (Continued)

cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All 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 (excluding hard surfaces). **REASON:** To protect those trees and shrubs which are of significant amenity value and which ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011; and

- (14) 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.

168. W13/1807 – 92 ROUNCIL LANE, KENILWORTH

The Committee considered an application for Mr Peppit for the erection of an outbuilding to be used ancillary to the main house.

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

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Distance Separation (Supplementary Planning Guidance)
The 45 Degree Guideline (Supplementary Planning Guidance)

It was the officer's opinion that the proposed development was of an acceptable standard of design which would not cause unacceptable harm to the locality in which the site was located and would not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal was, therefore, considered to comply with the policies listed.

It was noted that a representative from Kenilworth Town Council had not attended to speak at the meeting despite raising objection to the application.

Members were concerned that the outbuilding should not be used for habitation. The Head of Development Services explained that the owners could build on half the garden without planning permission and that if they wished, the owners could for instance use the outbuilding for working from home so long as it was not used for customers. It was decided that a condition should be set so that the outbuilding could only be used for ancillary purposes to the main house.

Following consideration of the report and presentation, the Committee resolved that the application should be granted in accordance with the officer's recommendations, with an additional condition restricting use for ancillary purposes to the main house.

RESOLVED that W13/1807 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 Garden Annex - Plans - Dec 2013, proposed floor plans and proposed elevations and specification contained therein, submitted on 31st December 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; and
- (3) the building hereby permitted to be erected shall be used only for a purpose incidental to the residential use of the application property

PLANNING COMMITTEE MINUTES (Continued)

and the building shall not be used as primary living accommodation or for the purpose of any trade or business unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the outbuilding is not used in a manner prejudicial to or likely to cause nuisance to occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

(The meeting ended at 9.18 pm)