

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 14 January 2014 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Apologies were received from Councillor Rhead.

136. **SUBSTITUTES**

None.

137. **DECLARATIONS OF INTEREST**

Minute Number 142 – Agenda Item 8 – W13/1643 – 16 Arlington Avenue, Royal Leamington Spa

Councillor De-Lara-Bond declared an interest because the application site was located in her Ward.

Minute Number 143 – Agenda Item 9 – W13/1603 – 135 Regent Street, Royal Leamington Spa

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

Minute Number 144 – Agenda Item 6 – W13/1766 – Plot 7001, Tournament Fields, Edgehill Drive, Warwick

Councillor Brookes declared an interest because he often did work for the company detailed in the report.

138. **SITE VISITS**

To assist with decision making, Councillors Boad, Doody, MacKay, Weber, Wilkinson and Williams visited the following application sites on Saturday 11 January 2014:

W13/1484 – Land at Glasshouse Lane, Lapworth

W13/1766 – Plot 7001 Tournament Fields, Edgehill Drive, Warwick

W13/1643 – 16 Arlington Avenue, Royal Leamington Spa

139. **MINUTES**

The minutes of the meetings held on 24 September and 17 December 2013 were agreed and signed by the Chairman as a correct record.

141. **W13/1484 – LAND AT GLASSHOUSE LANE, LAPWORTH**

The Committee considered an application from Mrs Ellhia for the construction of a manege and change of use of the land and stable to a riding school.

PLANNING COMMITTEE MINUTES (Continued)

This application had been deferred at Planning Committee on 17 December 2013, to allow Members to undertake a site visit.

The application was presented to the Committee because of the number of objections received, including one from Lapworth 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)
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)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
RAP10 - Safeguarding Rural Roads (Warwick District Local Plan 1996 - 2011)
RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
National Planning Policy Framework

It was the officer's opinion that the proposed new business use represented inappropriate development within the Green Belt, however, given the proposed small scale of the riding school and the limited harm upon openness when compared to the existing and lawful use of the site, officers felt that very special circumstances existed to justify otherwise inappropriate development within the Green Belt. No amenity or highway safety issues had been raised and the scheme was therefore considered to be acceptable.

Mr Palmer addressed members in objection to the application and was in attendance with Mr Goldsmith and Mr MacKay, all residents of Glasshouse Lane, Lapworth.

Some Members had concerns that the development was contrary to the NPPF, in respect of the Green Belt Policy and RAP10 which dealt with Safeguarding Rural Roads.

It was therefore proposed and duly seconded that the application be refused, contrary to the officer's recommendation. This motion was defeated 2 votes to 7.

The Committee discussed the proposed conditions in the report and felt that these restricted any potential expansion issues.

Following consideration of the report and presentation, along with the representations made at the meeting, the Committee resolved that the application be granted. This decision was subject to an amendment to Condition 3 of the report whereby Members requested that no lighting or illumination be permitted to the manege area.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that W13/1484 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) 6985-2001, 6985-2002, and specification contained therein, submitted on 18th October 2013. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no lighting or illumination of the manege area be permitted. In addition, no lighting or illumination of any part of the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** In the interests of the amenities and openness of the green belt area and local wildlife/protected species in accordance with Policies DP1, DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012;
- (4) the riding school hereby permitted shall be limited to a maximum of three customers undertaking riding lessons at/from the site at any one time and only horses belonging to the riding school and stabled at the site shall be used in association with the riding school use and manege use. No customers shall bring their own horses to the site to engage in riding lessons or the individual use of the site/manege. **REASON:** To protect the rural character of the area, in accordance with Policies RAP10 and RAP13 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012;
- (5) the use hereby permitted shall be used for a riding school only and for no other purpose,

PLANNING COMMITTEE MINUTES (Continued)

including any other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON: To protect the rural character of the area and avoid an intensification of use on site, in accordance with Policies DP2, RAP10 and RAP13 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012;

- (6) 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 further development shall take place within the site. **REASON:** To protect the rural character of the area and avoid an intensification of built form/use on site, in accordance with Policies DP2, RAP10 and RAP13 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012;
- (7) the use hereby permitted shall not be commenced unless and until the means of access to the site has been provided in full accordance with details to be submitted to and approved in writing by the local planning authority. Details shall include the widening of the existing vehicular access to the site to not less than 5 metres, as measured from the near edge of the public highway carriageway, the provision of a bound macadam material for a distance of 12 metres measured from the near edge of the public highway and visibility splay details to the vehicular access with an 'x' distance of 2.4 metres and 'y' distances of 160.0 metres in a westerly direction and extending to the site boundary in an easterly direction 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 0.9 metres above the level of the public highway carriageway. Thereafter the means of access shall be kept available for use by vehicular traffic at all times unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick

PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 1996-2011;

142. W13/1643 – 16 ARLINGTON AVENUE, ROYAL LEAMINGTON SPA

The Committee considered an application from Binswood Mansions Trust for the demolition of house and garages; construction of a block of six flats and new garaging with accommodation over including ancillary site management office, closure of one existing access and widening of another with provision of additional parking spaces and siting of 26 solar panels on new building and existing garage roofs.

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:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
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)
UAP1 - Directing New Housing (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)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Vehicle Parking Standards (Supplementary Planning Document)
National Planning Policy Framework

An addendum circulated at the meeting detailed three further objections, one of which raised concerns with regard to insufficient separation distances between the development and Coach House Mews.

It was the officer's opinion that the proposed development was of an acceptable layout and design, which respected surrounding buildings in terms of scale, height, form and massing and the character and setting of the conservation area. Officers felt the development did not adversely affect the amenity of nearby residents or highway safety and the proposal was therefore considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

Councillor Mrs Stevens from Royal Leamington Spa Town Council, addressed Members in objection to the application.

Mrs Peers and Miss England addressed Members in objection to the application and represented the views of neighbouring residents. Mr Greenwood spoke on behalf of the applicant in support of the proposal.

Finally, Councillor Copping addressed the Committee in his capacity as Ward Councillor.

Members of the Committee raised concerns that the proposed building was too large in height and mass for the number of dwellings it was providing. Following the site visit, some Members felt that it would be overbearing to the lower level properties surrounding the site and was of poor design.

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 refused, contrary to the officer's recommendations.

RESOLVED that W13/1643 be REFUSED contrary to the officer's recommendation due to the aesthetics of the north elevation and the overbearing nature of the building which was unneighbourly due to its mass and bulk.

143. W13/1603 – 135 REGENT STREET, ROYAL LEAMINGTON SPA

The Committee considered an application from Midland Assured Developments LLP for the removal of Condition 3 of planning permission W12/0241, which required 10% on-site renewable energy production.

Permission W12/0241 had authorised the change of use of the ground floor of the application property to a restaurant or café, Use Class A3. Condition 3 required 10% of the predicted energy requirements of the proposed restaurant / cafe to be produced on or near to the site, from renewable energy resources.

The applicant had advised that the cost of meeting the renewable energy requirements would be £10,000. They considered that this would be unviable for the size of the unit, given that the rent was only £16,000 per annum. The applicant advised that the property had been vacant for some considerable time, however, they now had a couple who wished to occupy the property but had concerns that this disproportionate cost could deter them.

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:

Sustainable Buildings (Supplementary Planning Document - December 2008)

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

PLANNING COMMITTEE MINUTES (Continued)

An addendum circulated at the meeting detailed two further objections, a comment from the Council's Head of Health and Community Protection and further information from the applicant.

It was the officer's opinion that implementing the renewable energy requirement would not be financially viable in this case and would undermine the delivery of the development. Therefore it was recommended that planning permission be granted for the removal of this condition.

Councillor Copping addressed Members in his capacity as Royal Leamington Spa Town Councillor, in objection to the application.

The applicants, Mr Davis and Mr Thompson addressed Members in support of the application.

Members raised concerns that the removal of the condition could set a precedent for other businesses to follow and queried if the investment should be made by the landlord because it was a capital improvement.

However, Members were also mindful that the unit had been vacant for nine years and of the need to encourage business into the town to improve vitality. The Head of Development Services assured Members that the removal of the condition would only apply to the unit in question.

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 accordance with the officer's recommendations.

RESOLVED that W13/1603 be GRANTED subject to the following conditions:

- (1) the permission hereby granted shall relate strictly to the details shown on the approved drawing(s) 2661-226C, 2661-227B, 2661-500, 2661-501A, 2661-502, 2661-503A, 2661-504 & 2661-505, and specification contained therein, submitted on 8 March 2012, 18 April 2012 & 20 April 2012 (in relation to planning application no. W12/0241). **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (2) the restaurant/cafe and hot food takeaway hereby permitted shall not be first occupied unless and until:
 - (a) satisfactory details of a noise insulation scheme to minimise transmission of noise and vibrations from the extraction equipment / flue and between the ground floor restaurant/cafe and hot food takeaway unit and the upper floor

PLANNING COMMITTEE MINUTES (Continued)

residential accommodation have been submitted to and approved by the District Planning Authority; and

(b) the approved noise insulation scheme has been implemented in strict accordance with the approved details. **REASON:** In the interests of the amenities of nearby residents, in accordance with the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011;

- (3) the rating level of the noise emitted from activities or equipment on the premises shall not exceed the existing background noise level at any time, when measured one metre from the facade of any noise sensitive property, by more than 3dB(A) (measured as LAeq (5 minutes)), when measured and corrected in accordance with BS 4142: 1997. 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 surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;
- (4) 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;
- (5) all window and door frames and the new shopfronts 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;
- (6) all rainwater goods for the development hereby permitted shall be metal. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011; and
- (7) the restaurant/cafe, hot food takeaway and the extensions hereby permitted shall not be first

PLANNING COMMITTEE MINUTES (Continued)

occupied unless and until the bin storage area has been provided in full accordance with the approved plans. The bin storage area shall be retained and kept available for the storage of refuse for the retail units at Nos. 131-137 Regent Street at all times thereafter, unless agreed otherwise in writing by the District Planning Authority. **REASON:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

144. W13/1766 – PLOT 7001, TOURNAMENT FIELDS, EDGEHILL DRIVE, WARWICK

The Committee considered an application from Sackville Development (Warwick) Ltd for the approval of reserved matters (access, appearance, landscaping, layout and scale) for the erection of a parts and distribution warehouse building (Use Class B8, with ancillary B1 office and B2 general industrial space), with associated service roads, car parking, landscaping, associated infrastructure and ancillary developments, under outline planning permission W/13/0758.

The application was presented to the Committee because of the timescale required for the decision.

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)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework
Employment Land Development Brief - Tournament Fields, Warwick
(Prepared by Severn Trent Property)

An addendum circulated at the meeting detailed a response from an adjoining land owner, Western Power Distribution and the subsequent response from the applicant.

It was the officer's opinion that the proposal would provide adequate parking and access arrangements, would contribute significantly towards economic development in the area and would constitute good design, and complied with the policies listed and the NPPF.

Members felt that the development would be good for the town of Warwick, in particular the Warwick West Ward, which was one of the more deprived wards of Warwick District. An additional condition was proposed to include a local labour agreement and officers were happy to continue to discuss the issue of public transport links with the applicant.

PLANNING COMMITTEE MINUTES (Continued)

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, subject to an additional condition regarding a local labour agreement.

RESOLVED that W13/1766 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (0300; 0301 Rev.D; 0302 Rev.B; 0303 Rev.A; 0304 Rev.A; 0305 Rev.A, 0306 Rev.A), and specification contained therein, submitted on 19 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;
- (2) 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;
- (3) 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)

- (4) the development shall be carried out only in full accordance with sample details of the cladding and roofing 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;
- (5) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary fences, 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 building hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;
- (6) detailed plans and elevations of the gatehouse hereby permitted shall be submitted to and

PLANNING COMMITTEE MINUTES (Continued)

approved in writing by the local planning authority before construction of the gatehouse commences. **REASON:** To ensure good design in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (7) the development hereby permitted 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 adequate parking facilities are provided and retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011; and
- (8) finished floor levels of the building hereby permitted shall be set no lower than 150mm above the modelled Flood Zone 3 level.
REASON: To reduce the risk of flooding to the proposed development and future occupants in accordance with the National Planning Policy Framework.

(The meeting ended at 7.50 pm)