

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 3 July 2012 in the Town Hall, Royal Leamington Spa at 6.00pm.

**PRESENT:** Councillors Mrs Blacklock, Brookes, Mrs Bunker, Cross, Ms De-Lara-Bond, Illingworth, MacKay, Weed, Williams and Wilkinson.

Councillor Williams substituted for Councillor Rhead.

## 40. DECLARATIONS OF INTEREST

Minute Number 43 – W11/1097 – Land adjacent to The Gables, Rouncil Lane, Kenilworth

Councillors Mrs Blacklock and Illingworth declared personal interests because one of the speakers was a fellow District Councillor and the objectors were known to them.

Minute Number 45 – W12/0420 – Sikh Community Centre, Queensway Trading Estate, Queensway, Royal Leamington Spa

Councillor Wilkinson declared a personal interest because the application site was in his Ward.

Minute Number 46 – W12/0510 – 49 Russell Terrace, Royal Leamington Spa

Councillor Weed declared a personal interest because the application site was in her Ward.

Councillor Wilkinson declared a personal interest because he lived near to the application site.

Minute Number 48 – W12/0230 – Stoneleigh Park, Main Gate, Stoneleigh Park, Kenilworth

Councillor MacKay declared a personal interest because the application site was in his Ward.

Councillor Mrs Weed declared a personal interest because her employer was based at Stoneleigh Park.

Minute Number 50 – W12/0447 – Land off Queensway, Royal Leamington Spa

Councillor Wilkinson declared a personal interest because the application site was in his Ward.

## **PLANNING COMMITTEE MINUTES (Continued)**

Minute Number 51 – W12/0066 LB – Tink a Tank House, 21 Jury Street, Warwick

Councillor Cross declared a personal interest because the application had been discussed at a Warwick Town Council meeting, of which he was a member. However, he did not partake in the discussion and no comments were made by the Town Council.

### **41. SITE VISITS**

There were no site visits prior to this meeting, however, the following members had participated in a site visit a number of weeks previously to The Gables, 122 Rouncil Lane, Kenilworth (agenda item 6, W11/1097):

Councillors Mrs Blacklock, Brookes, Cross, Ms De-Lara-Bond, MacKay, Weed, Williams and Wilkinson had participated in this site visit.

### **42. MINUTES**

The minutes of the Planning Committee held on 1 May 2012 were taken as read and signed by the Chairman as a correct record.

### **43. W11/1097 – LAND ADJACENT TO THE GABLES, ROUNCIL LANE, KENILWORTH**

The Committee considered a reserved matters application from Mr S Thadwal for layout, scale, appearance, details of access and details of landscaping in relation to the approved outline application W/09/1341 for the erection of a new dwelling on land adjacent to 122 Rouncil Lane.

This application had been deferred at Planning Committee on the 12 June 2012, to allow for neighbour consultation to the amended plans.

This application was presented to Committee because of the number of objections received, including one from Kenilworth Town Council who felt that the application was unneighbourly and overdevelopment of the site.

The case 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)  
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)  
National Planning Policy Framework  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Vehicle Parking Standards (Supplementary Planning Document)

## **PLANNING COMMITTEE MINUTES (Continued)**

It was the case officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. The development did not adversely affect the openness and rural character of the adjacent green belt and was therefore considered to comply with the policies listed.

An addendum was circulated at the meeting which contained details of further objections from Kenilworth Town Council and six residents. In addition, the case officer advised including another condition regarding the windows to the rear elevation.

Councillor Mrs Davies addressed the Committee on behalf of Kenilworth Town Council and reiterated the comments made in their objection. She stated that the property at Hunters Moon would be overlooked and explained that initially no dimensions or measurements had been submitted by the applicant and the drawings had not been included in the consultation process. Councillor Mrs Davies explained that this was a large 'hotel like' dwelling, located on a funnel shaped site which would be alien to the street scene due to its non traditional design.

Mr Rand addressed the Committee as a neighbouring resident in objection to the application. He felt the scale and position of the proposed dwelling was too large and highlighted the lack of garaging for a 6 bedroom property. He made reference to the use of the old swimming pool and the individual access to some of the bedrooms which implied that the applicant could apply for a potential change of use in the future. Mr Rand felt the application was contrary to the Council's policies DP1 and DP2 and highlighted the discrepancies in the drawings. He assured members that he was not adverse to the idea of a dwelling on the site but felt it should be of a more modest design.

Mr Callingham addressed the Committee on behalf of the applicant and reminded members of the previous approval granted in 2009. He advised that the hedging to the front of the property was to be retained and felt the design was similar to number 122 Rouncil Lane. Although he accepted that there was a lack of garaging, he highlighted that there was ample driveway with the ability for vehicles to turn and exit the site in a forward direction and that the Highways authority had made no objection. In addition, he stated that permitted development rights could be removed and reassured members that the proposal met the Council's energy efficiency targets and would be used for residential purposes only.

Councillor Davies addressed the Committee in his capacity as Ward Councillor and outlined his objections. He felt that this proposal was very changed from the permission given previously and had increased from a four to six bedroom property. He stated that this dwelling was being shoehorned into a 'cheese wedge' shaped plot and would throw number 120 into shade. He also had concerns that certain documents had only been produced on the day of the meeting, despite previous requests from Kenilworth Town Council. He concluded by stating that the proposal was contrary to policy DP2, was 11m above ground level, would have an adverse impact on the amenity of nearby residents and he urged members to decline the permission.

## **PLANNING COMMITTEE MINUTES (Continued)**

Councillor MacKay addressed members and had concerns with the increase in bedrooms and ensuites and the number of windows to the rear of the property that had to be obscure glazed. In addition, he felt that the proposal did not respect the surrounding properties by virtue of its height, scale and massing. He also stated that, in his opinion, there would be a damaging effect on the property at 120 Rouncil Lane.

Councillor Mackay, therefore, proposed refusal on the grounds of scale, positioning and massing contrary to Policy DP1; because it would have a damaging effect on 120 Rouncil Lane and the amenity of its residents; the lack of distance between the properties; and the loss of light to neighbours. Members had concerns that it was unneighbourly in terms of its dominance over 120 Rouncil Lane, whose master bedroom, sitting room and sun lounge faced directly at the windows of the proposed dwelling.

Members were mindful that there appeared to have been a lot of misinformation, late information and disagreement on details and measurements which resulted in them being dissatisfied with the report before them.

Following consideration of the report, presentation and addendum, along with the representation made at the meeting, the Committee was of the opinion that the application should be refused.

**RESOLVED** that item W11/1097 be REFUSED for the following reasons:

- (1) it was contrary to DP1, DP2 and paragraph 64 of the NPPF with regard to scale, position and massing;
- (2) was unneighbourly and would have a damaging effect on the dwelling at 120 Rouncil Lane;
- (3) there would be a loss of light to 120 Rouncil Lane; and
- (4) the distance between the properties was insufficient and would have a detrimental effect on the street scene.

### **44. W11/1618 – 135 WARWICK ROAD (INCLUDING BUILDERS YARD), KENILWORTH**

The Committee considered an outline planning application from Warwickshire County Council for the erection of nine apartments, three houses and three garages. Details of access were included and the proposal was located at land adjacent to 135 Warwick Road, Kenilworth.

The application was brought before committee because an objection had been received from Kenilworth Town Council and neighbouring residents. The town council felt that there was a lack of elevation details for the houses which could have an adverse overlooking impact on neighbours and properties in Clarendon Road.

## **PLANNING COMMITTEE MINUTES (Continued)**

The case 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)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)  
Open Space (Supplementary Planning Document - June 2009)

It was the case officer's opinion that the proposal was an acceptable form of development within the predominantly residential area of Kenilworth Town Centre, it provided a mixture of housing types which was in keeping with the character of the area and was therefore considered to comply with the policies listed in the report.

An addendum was circulated at the meeting that recommended removing condition 3, relating to drawing numbers, which officers felt was unnecessary.

Members welcomed the amended proposals and the reduction in density from 12 to 9 apartments. Clarity was given as to the occupants of the L-shaped dwelling attached to the site and reference made to the retention of the existing wall adjacent to Block B.

Following consideration of the report, presentation and addendum, along with the representation made at the meeting, the Committee was of the opinion that the application should be granted as amended by the removal of condition 3 and the addition of two new conditions to time limit the permission and to ensure no new buildings were higher than shown on the indicative elevations.

**RESOLVED** that W11/1618 be GRANTED subject to the following conditions:

- (1) this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-

- (a) appearance
- (b) landscaping
- (c) layout

## PLANNING COMMITTEE MINUTES (Continued)

(d) scale

**REASON** : To comply with Section 92 of the Town and Country Planning Act 1990 as amended;

- (2) the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**REASON** : To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

- (3) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

- (4) the development hereby permitted (including demolition) shall not commence until further bat surveys of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

**REASON**: To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (5) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The

## PLANNING COMMITTEE MINUTES (Continued)

scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, Trees in Relation to Construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

**REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (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 development shall be carried out which comes within 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;

- (7) unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (1) to (4) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (4) below has been complied with in relation to that contamination.

(1) **Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on

## **PLANNING COMMITTEE MINUTES (Continued)**

the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

### **(2) Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.



**(3) Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**(4) Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (1) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (2) above which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (3) above.

**(5) Long Term Monitoring and Maintenance**

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of ..... years, and the provision

## PLANNING COMMITTEE MINUTES (Continued)

of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

**REASON** : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (8) no development hereby permitted shall commence unless and until schemes and appropriate details have been submitted and approved in writing by the local planning authority to provide for:-
- 1) the provision of and / or improvement of and / or maintenance of public open space within the catchment area of the site in accordance with Policy SC13 of the Warwick District Local Plan 1996 - 2011, and
  - ii) affordable housing in accordance with Policy SC11 of the Warwick District Local Plan, which shall indicate the numbers, plots, disposition across the site and tenure of the affordable units.

The facilities shall be implemented in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted, unless otherwise agreed in writing by the local planning authority. **REASON**: To ensure the necessary infrastructure and facilities are provided in accordance with Policies SC11 and SC13 of the Warwick

## **PLANNING COMMITTEE MINUTES (Continued)**

District Plan 1996 – 2011;

- (9) in the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990; and
- (10) the apartment blocks A and B hereby permitted shall be constructed to a ridge height of no greater than 92.65 AOD in accordance with the details shown on the Proposed Elevations and Sections drawing A1562/02 submitted on 15/12/11. **REASON:** To secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

### **45. W12/0420 – SIKH COMMUNITY CENTRE, QUEENSWAY TRADING ESTATE, QUEENSWAY, ROYAL LEAMINGTON SPA**

The Committee considered an application from Leamington and Warwick Gurdwara for the change of use of 17A Queensway to Sikh Religious Facility ancillary to the Sikh Temple (incorporating renewal of existing planning permission W10/0864 for use as sikh recreation facility, 17B Queensway) for temporary period of 3 years.

The application was presented to the Committee because a petition and letters of objection had been received on the grounds of an increase in parking pressure and complaints that consultation had not taken place.

The case 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)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)

It was the case officer's opinion that, having particular regard to the planning history of this and adjacent land, a temporary planning permission was considered acceptable whilst comprehensive proposals were formulated for this group of buildings. Furthermore it was considered that the development would not adversely impact on the character and appearance of the area and was, therefore, considered to comply with the policies listed.

An addendum was circulated at the meeting which provided details of additional information from the applicant in support of their application and

## **PLANNING COMMITTEE MINUTES (Continued)**

a travel plan along with information that further objections had also been received and emailed to members.

The case officer recommended that condition 5 be amended and replaced with the following two conditions to help provide greater clarity:

5. Building 'A' shall be used solely as a venue for pre ceremony receptions associated with Sunday weddings taking place at the main Sikh Temple building and shall not be used for any other purpose.
6. Building 'B' shall be used solely for the recreational uses detailed in the Appendix 'A' document submitted by the applicant on the 27 April 2012 and such recreational uses shall only take place at the times and on the days specified in the said document. Building 'B' shall not be used for any other purpose.

Mr Bains addressed the Committee in support of the application as a worshipper at the temple and explained that due to the traditions exercised at Sikh weddings, large numbers of guests meet for the first time on the day. Weather permitting, this can take place outside but often has to be held indoors which means a large number of people gather in the foyer of the temple. Mr Bains also expressed the temple's desire for the local community to use the facilities including local youth groups and assured members that the photographic evidence they had received regarding parking problems had been 'stage-managed'.

Councillor Mrs Sawdon addressed the Committee following a request from local residents. Although this site was not in her Ward, the three possible representatives for these residents were already involved in the application. Therefore, on the grounds of fairness & democracy, it was agreed that Councillor Mrs Sawdon could address the committee with the counter argument to the officers recommendation.

Councillor Mrs Sawdon reminded members that a high volume of Queensway residents had objected to the application and had concerns that the parking facilities were already insufficient at the temple. She suggested that members may wish to undertake a site visit to gain a greater understanding of the parking issues being raised. It was also proposed that an additional condition could be added to cease events at the temple by 2pm at the weekends, for the benefit of local residents.

Councillor Mrs Knight addressed the Committee and stated her support for this application. She felt it important to underline the benefits and improvements that this application would have and explained the customs surrounding Sikh weddings, concerning the groom and brides families.

Members were mindful of the high volumes of worshippers attending services and weddings at the temple and were satisfied with the amendments being proposed to the conditions.

Following consideration of the report, presentation and addendum, along with the representation made at the meeting, the Committee was of the opinion that application should be granted in accordance with the officers

## PLANNING COMMITTEE MINUTES (Continued)

recommendation, with an amendment to condition 5 and additional condition 6 as per the addendum.

**RESOLVED** that W12/0420 be GRANTED subject to the following conditions:

- (1) this permission shall be limited to a period of time expiring on 3 July 2015. At or before the expiration of the period specified in this permission, the land and buildings shall be restored to their former condition and use.  
**REASON** : The buildings the subject of this application form part of a larger group of buildings. In the opinion of the District Council the granting of a permanent permission for the proposed reuse of the these two buildings comprised within this application site edged red would be inappropriate in the absence of a comprehensive scheme for the proposed future development of the whole group of buildings and indeed may prejudice the preparation and delivery of such a comprehensive scheme. The granting of a temporary planning permission for the continued use of the application site for the community use established following the grant of planning permission W/10/0864 is therefore considered appropriate to enable the preparation of a comprehensive scheme for the site would accord with the policies DP1, DP2, DP8 and SC2 of the Warwick District Local Plan 1996-2011;
- (2) the premises known as Building 'B' shall be used as a Community Centre and for no other purpose including any other purpose in Class D1 contained in the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. **REASON** : Other uses within this Use Class may not be appropriate in these premises by reason of the location of this site and its relationship to adjacent buildings and uses, and to satisfy Policies DP1, DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought  
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## **PLANNING COMMITTEE MINUTES (Continued)**

into use. **REASON:** To ensure that the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with policy DP11 in the Warwick District Local Plan 1996-2011;

- (4) the proposed additional car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan and shall be kept available and free from obstruction for this purpose at all times. **REASON:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (5) building 'A' shall be used solely as a venue for pre ceremony receptions associated with Sunday weddings taking place at the main Sikh Temple building and shall not be used for any other purpose; and
- (6) building 'B' shall be used solely for the recreational uses detailed in the Appendix 'A' document submitted by the applicant on the 27 April 2012 and such recreational uses shall only take place at the times and on the days specified in the said document. Building 'B' shall not be used for any other purpose.

### **46. W12/0510 – 49 RUSSELL TERRACE, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr Patel for the proposed change of use from dwellinghouse (use class C3) to House in Multiple Occupation (HMO) (Sui generis) and a three storey side extension.

The application was presented to Committee because of the number of objections received, including one from Royal Leamington Spa Town Council who objected on the grounds that the application did not meet the Council's Parking standards.

The case 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)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)

## **PLANNING COMMITTEE MINUTES (Continued)**

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

National Planning Policy Framework

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

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

It was the case officer's opinion that the development achieved acceptable standards of layout and design, did not give rise to any harmful effects in terms of parking or use which would justify a refusal of permission and was therefore considered to comply with the policies listed.

An addendum was circulated at the meeting which included details of objections received to the parking survey, which some people felt did not reflect the true demand for parking during term time. Concerns were also raised about the time of day that the survey was carried out.

Councillor John Knight addressed the Committee on behalf of Royal Leamington Spa Town Council and reiterated the concerns regarding the timings of the parking survey. He felt that if the survey had been completed in term time, when students and their friends were in attendance, it would reflect the true demand for parking and highlight the issues that residents were experiencing.

Ms Helen Lothian addressed the Committee in objection to the application, as a nearby resident and local trader. She stated that the residential area had reached saturation point and the number of student dwellings was having a detrimental effect on the health and wellbeing of residents and traders. She made reference to the concerns raised by Mr Mulholland at 47C Russell Terrace, who felt that there was an imbalance between families and the young transient residents. Ms Lothian highlighted the problems experienced with the increase in refuse and waste being left outside properties, resulting in an increase in rat infestation and urban foxes. She also stated that there had been an increase in crime in the area, with South Town experiencing a 40% higher rate of crime and burglaries than other areas of Leamington. In conclusion, she urged members to recognise that there were already too many HIMO's and local residents had had enough.

Mr B Patel addressed the Committee in support of the application and did not feel that the introduction of this HIMO would have little impact on this varied character of Russell Terrace. He made reference to the parking facilities for this dwelling and the evidence that the parking surveys had produced. He reminded members that all residents were supplied with refuse and recycling containers and did not feel that the reference made to crime in the area were correct because there had only been one incident of anti-social behaviour reported to date.

Councillor Edwards addressed the committee in his capacity as Ward Councillor, in objection to the application. He felt that there were already too many HIMO's in this area and a concentration of these dwellings caused a conflict with family dwellings in the area. He highlighted that the high number of HIMO's had a direct correlation with a rise in complaints to Environmental Health and Contract Services for this area of Leamington.

## **PLANNING COMMITTEE MINUTES (Continued)**

The majority of these complaints related to overflowing bins and an increase in noise and disturbance.

Councillor Edwards listed the relevant policies that he felt the application was contrary to including DP8, DP2, DAP8 and paragraph 50 of the National Planning Policy Framework. In conclusion, Councillor Edwards did not feel that the introduction of another HIMO in this area would help to balance the current housing provision and would assist the area into decline.

Members were mindful that by agreeing to this change of use, the area would lose a family dwelling which in turn could cause an imbalance to the types of properties in the area. Councillors felt it was important to preserve mixed communities and avoid any one neighbourhood becoming a solid student area.

Members received legal advice regarding the impact of losing at appeal, which could result in costs to the Council.

Members also felt that the proposed extension to the side of the building was unsympathetic to the setting of the Listed Building nearby and were mindful that the development was located in the Conservation Area. It was stated that decisions should aim to ensure that developments did not undermine the quality of life and community cohesion, which some members felt this proposal did.

It was proposed, and duly seconded that, the application be refused on the grounds that it was contrary to paragraph 58 of the NPPF because there was evidence that the development undermined the quality of life and community cohesion.

Following consideration of the report, presentation and addendum, along with the representation made at the meeting, the Committee was of the opinion that the application should be refused, contrary to the officers' recommendations.

**RESOLVED** that W12/0510 be REFUSED because it was not in line with paragraph 58 of the NPPF which aims to ensure that developments do not undermine residents' quality of life and community cohesion.

Members felt that this development and the scale of the extension to this incongruous building within the Conservation Area would result in an imbalance within the community, which would exacerbate an already unacceptable level of noise & disturbance and impact upon the amenity of the residents and the surrounding area, contrary to Policy DP2.

### **47. W12/0567 – 33 CHANDOS STREET, ROYAL LEAMINGTON SPA**



## **PLANNING COMMITTEE MINUTES (Continued)**

The Committee considered an application from Mr Bojesen Jensen for the change of use from a domestic dwelling (use class C3) to a House in Multiple Occupation (HIMO) with five bedrooms (use class C4).

The application was brought to Committee because an objection had been received from Royal Leamington Spa Town Council who felt that there was insufficient on-street parking and no additional off-street parking. However, in light of the applicant's submission that no further parking provision would be required on or off street, they stated that the objection would be withdrawn if the right to a residents parking permit was waived.

The case officer considered the following policies to be relevant:

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

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

Vehicle Parking Standards (Supplementary Planning Document)

National Planning Policy Framework

DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)

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

DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)

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

DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the characteristics of the original listed dwellinghouse would remain unaffected by the change of use and would keep the property within the C class of the Use Classes Order. There was also the potential that the property could return to a single dwellinghouse as per the intention of the applicant, when his family were older and would be less disturbed by noise from the adjacent HMO's. Given the property would remain in residential use and no external alterations were proposed, it was considered that there would be little harm to the character or appearance of the listed building or to the conservation area.

An addendum was circulated at the meeting which contained comments from the Parking Service Manager stating that it was not appropriate to try to reduce the existing entitlement to residents permits, due to the proposed change of use of the dwelling.

Councillor Knight addressed the Committee on behalf of Royal Leamington Spa Town Council who were objecting on the grounds to a lack of parking provision. Councillor Knight also made reference to the unacceptable use of the phrase 'sketchy' in the report, which was used in reference to the internal alterations of the building. He felt it was imperative that clear indication was given on the proposed internal alterations to avoid work commencing in a 'cavalier fashion'.

Members were mindful that the dwelling would be able to revert back to a residential property without permission but to convert into a HIMO did need

## **PLANNING COMMITTEE MINUTES (Continued)**

planning consent. It was felt that a clear informative was needed regarding any internal alterations proposed.

Following consideration of the report, presentation and addendum, along with the representation made at the meeting, the Committee was of the opinion that the application be granted.

**RESOLVED** that W12/0567 be GRANTED subject to the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **48. W12/0230 – STONELEIGH PARK, MAIN GATE, STONELEIGH PARK, KENILWORTH**

The Committee considered an application from LaSalle Investment management for the replacement of the existing access arrangements at Stoneleigh Park main gate with a proposed roundabout junction on the B4113 Stoneleigh Road.

The item was brought before committee because an objection had been received from Ashow Parish Council who felt it would be premature to approve this application until a master plan for the site had been submitted and agreed.

The case 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)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)  
SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)  
National Planning Policy Framework  
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)  
DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development did not prejudice the openness and rural character of this green belt area, or cause harm to highway safety, and was considered to comply with the policies listed.

An addendum was circulated at the meeting which detailed two further objections that had been received from local residents, who felt that the proposal should make provision for cyclists and promote sustainable forms of transport.

## **PLANNING COMMITTEE MINUTES (Continued)**

Members were in agreement that the current arrangements were hazardous and hoped that the new roundabout would improve safety for residents, workers and visitors to the site. Some members did state their disappointment that there was no provision for cycling in the report and thought that steps could have been taken to organise a Green Travel Plan in advance of any future applications.

Following consideration of the report, presentation and addendum, the Committee was of the opinion that the application be granted as per the officer's recommendations.

**RESOLVED** that W12/0230 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) (STH2677-(MID)/004 Revision B & STH2677-06 Revision C submitted on 21 June 2012) , 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) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work. In addition 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 carried out

## **PLANNING COMMITTEE MINUTES (Continued)**

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 and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011; and

- (4) within six months of the implementation of the works hereby approved replacement planting shall be undertaken of trees of a size and species to be agreed in writing by the district planning authority in a location to be agreed in writing and shall be maintained in strict accordance with a schedule of maintenance for the tree(s) until successfully established in accordance with the details set out in the approved application documentation or any variation submitted to and approved in writing by the local planning authority. All tree(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). If within a period of five years from the date of planting the tree(s) (or any other tree(s) planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree(s) of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree(s), or in accordance with any variation for which the local planning authority give their written consent. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

### **49. W12/0378 – 38 HEATHCOTE ROAD, WHITNASH**

The Committee considered an application from Mr R Williams for the erection of a single storey side and rear extension and the widening of an existing drop kerb.

The application was brought before Committee because an objection had been received from Whitnash Town Council who felt that the proposal was overdevelopment. They also strongly objected to the removal of green

## **PLANNING COMMITTEE MINUTES (Continued)**

space on the footpath and made reference to the Council's byelaws which prevented parking on footpaths and green spaces.

The case officer considered the following policies to be relevant:

The 45 Degree Guideline (Supplementary Planning Guidance)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

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

Members were requested clarity on a number of aspects including the permitted development rights with regard to the dormer window and the drop kerb being the responsibility of the County Council. Overall, members did not feel that there were any controversial issues with the application.

Following consideration of the report and presentation the Committee was of the opinion that the application be granted as per the officers' recommendations.

**RESOLVED** that W12/0378 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing No.SM-RW04-12.2 and specification contained therein, submitted on 10th April 2012 and 14th June 2012. **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.

## **PLANNING COMMITTEE MINUTES (Continued)**

The Committee considered an application from Deeley Properties Ltd for an employment based, mixed use development comprising; 1 no. detached unit (builders' merchant (sui generis)) and 4 no. terraced units (1 no. tile merchants (sui generis) & 3 no. light industrial, general industrial and/or storage and distribution uses (Use Classes B1 (b & c), B2 & B8)) and associated access, vehicle and cycle parking.

The application was reported to Planning Committee to seek confirmation that this represented a suitable alternative employment scheme to meet the requirements of the existing Section 106 agreement for the adjacent proposed Aldi store (planning permission ref. W09/1169).

The case 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)  
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)  
UAP2 - Directing New Employment Development (Warwick District Local Plan 1996 - 2011)  
SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)  
SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)  
SSP1 - Employment Allocations (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Vehicle Parking Standards (Supplementary Planning Document)

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of highway safety or harm to neighbouring properties which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

An addendum was circulated at the meeting which detailed an amendment to condition 24 and an additional condition, to be numbered 25. Both of these conditions related to the provision of safe site access and highway safety.

Members were mindful that this report was essentially a technicality but were pleased with the work that officers had contributed to secure the development. They accepted that the permission required an employment provision and felt that this was a suitable, alternative scheme.

Following consideration of the report and presentation the Committee was of the opinion that the application be granted in line with the officers

## **PLANNING COMMITTEE MINUTES (Continued)**

recommendations and the proposed amendment and additional condition detailed in the addendum.

**RESOLVED** that W12/0447 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) P01G, P02C, P03B, P04A & EW275-100 Rev P1, and specification contained therein, submitted on 18 April 2012 & 23 May 2012, unless first agreed otherwise in writing by the District Planning Authority. **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 District Planning Authority before any constructional 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) no development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.  
**REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (5) no development shall be carried out on the site

## PLANNING COMMITTEE MINUTES (Continued)

which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.

**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;

- (6) no unit hereby permitted shall be first occupied unless and until a scheme showing how 10% of the predicted energy requirement for that unit will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority and all the works within the scheme approved for that unit have been completed; thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **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) a landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (8) 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



## PLANNING COMMITTEE MINUTES (Continued)

by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority.  
**REASON** : In the interests of fire safety;

- (9) the development hereby permitted shall not be occupied unless and until:

(a) a scheme and appropriate details have been submitted to and approved in writing by the local planning authority to provide for the running of a local employment scheme to assist local unemployed people; and  
(b) the scheme approved under (a) has been implemented in accordance with the approved details, unless otherwise agreed in writing by the District Planning Authority.

**REASON:** To ensure that the development secures adequate employment benefits for this allocated employment site, in accordance with Policy SSP1 of the Warwick District Plan 1996 – 2011;

- (10) the development hereby permitted shall not commence unless and until details of a Local Labour Agreement to secure local jobs within the construction and operational phases of the development have been submitted to and approved in writing by the Local Planning Authority. The approved Local Labour Agreement shall thereafter be implemented in strict accordance with the approved details.

**REASON:** To ensure that the development secures adequate employment benefits for this allocated employment site, in accordance with Policy SSP1 of the Warwick District Plan 1996 – 2011;

- (11) full details (including noise levels and location) of any plant likely to cause noise outside any building hereby permitted, including air conditioning, ventilation, refrigeration and compaction systems shall be submitted to and be approved in writing by the District Planning Authority before it is first installed. The installation and subsequent operation of the plant shall be undertaken strictly in accordance with the approved details. **REASON** : To protect the amenity of the locality in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (12) no external lighting or sound amplification or tannoy system shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the District Planning Authority. **REASON** : To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;
- (13) with the exception of the area identified on the approved plans as the storage yard for the builder's merchants, no materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site. External storage for the builder's merchants shall not exceed 5m in height. **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;
- (14) the car parks and cycle parking facilities hereby approved shall be constructed, surfaced, laid out and be available for use prior to the first occupation of the development to which they relate. They shall thereafter be retained available for car and cycle parking at all times. **REASON** : To ensure that adequate parking facilities are available in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (15) a scheme for the eradication of all Japanese Knotweed within the site shall be submitted to and be approved in writing by the District Planning Authority before the development hereby permitted is first commenced. Such scheme shall be implemented strictly as so approved. **REASON** : To ensure that the site is available for this development and to ensure a high standard of development in accordance with the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (16) there shall be no burning of waste within the site at any time and a scheme to ensure the suppression of dust during the construction of

## PLANNING COMMITTEE MINUTES (Continued)

the development hereby permitted shall be submitted to and be approved in writing before the commencement of the development hereby permitted. The development shall be carried out strictly as so approved. **REASON** : To protect the amenity of the locality and to ensure a satisfactory form of development in accordance with Policies DP1 and DP2 in the Warwick District Local Plan 1996-2011;

(17) the development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. **REASON** : To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies DP1 and DP9 in the Warwick District Local Plan 1996-2011;

(18) prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the District Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation

## PLANNING COMMITTEE MINUTES (Continued)

measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the District Planning Authority. The scheme shall be implemented strictly as approved.

**REASON** : To ensure the protection of controlled waters and to prevent pollution in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011;

(19) prior to development being first commenced a verification report demonstrating completion of the works set out in the approved remediation strategy in accordance with Condition 16 above and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report 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. It 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 District Planning Authority. **REASON** : To ensure the works have been carried out in line with the approved strategy in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011;

(20) if, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the District Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the District Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. **REASON** : To ensure there is a mechanism in  
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## PLANNING COMMITTEE MINUTES (Continued)

place to allow for amendments to the remediation strategy in accordance with the Policy DP9 in the Warwick District Local Plan 1996-2011;

- (21) no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the District 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. **REASON** : To ensure preferential pathways are not created to mobilise contaminants into the underlying groundwater, in accordance with the Policy DP9 in the Warwick District Local Plan 1996-2011;
- (22) notwithstanding the details shown on the approved plans, the development hereby permitted shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the District Planning Authority together with a schedule of timing for the construction of the proposed works. the development shall be carried out strictly in accordance with the approved details. **REASON** : To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these, in accordance with Policy DP9 in the Warwick District Local Plan 1996-2011;
- (23) prior to first occupation of any part of the development hereby permitted the developer is required to carry out the highway improvement works in accordance with a scheme approved in writing by the District Planning Authority in consultation with the Highway Authority so as to provide for the following:
- (i) Widening of the existing section of footway between the cycleway/pedestrian crossing signals on the public highway Queensway, located to the east and west of the application site, to provide for a 2.5 metre shared facility connecting these two points.
  - (ii) Improvements of the existing access junction and carriageway/footways to the development site via the public highway

## PLANNING COMMITTEE MINUTES (Continued)

Queensway Trading Estate.

- (iii) The existing access within the public highway to the western boundary of the site shall be closed with the kerb line, footway and verge reinstated, whilst retaining/remodelling the adjacent service access to ensure satisfactory provision for service vehicles associated with the adjacent site is maintained, all to be in accordance with the standard specification of the Highway Authority.
- (iv) Provision of a shared cycleway/pedestrian link between Queensway and Tachbrook Park Drive. **REASON :** To ensure the provision of satisfactory site access and highway safety in accordance with Policy DP6 of Warwick District Local Plan 1996-2011;

(24) No part of the development hereby permitted shall be first occupied unless and until the following restrictions have been complied with and the restrictions shall be adhered to at all times thereafter:

- (i) Barriers erected at the access to the site from the public highway Tachbrook Park Drive for vehicles shall not be hung so as to be within 12.0 metres of the near edge of the public highway carriageway.
- (ii) Egress from the site onto the public highway Tachbrook Park Drive shall be prohibited by the installation of direction traffic control flow plates within the access.
- (iii) Gates/barriers erected at the proposed access/egress for all associated vehicles serving the proposed internal access road from the existing public highway (D4603) shall not be hung so as to open to within 10.0 metres of the near edge of the public highway carriageway.
- (iv) The gradient of the accesses for vehicles to the site shall not be steeper than 1 in 15 for a distance of 20.0 metres, as measured from the near edge of the public highway carriageway.
- (v) The accesses to the site shall be not constructed/reconstructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway.
- (vi) The construction of the estate roads serving the development including footways/cycleways and verges shall not

## PLANNING COMMITTEE MINUTES (Continued)

be other than in accordance with the standard specification of the Highway Authority.

(vii) The development shall not be occupied until space has been provided within the site for parking and loading/unloading of all associated vehicles in accordance with details to be approved in writing by the District Planning Authority.

(viii) The applicant shall submit a Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the District Planning Authority in writing, in consultation with the Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time. The plan shall:-

- a) specify targets for the proportion of employees 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;
- b) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
- c) require the occupier of each business unit to identify a Travel Plan Co-ordinator with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

**REASON:** To ensure the provision of a satisfactory site access and highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011; and

- (25) no development shall commence unless and until details of the design of the accesses which are to serve the development have been submitted to and approved by the Local Planning Authority. These details shall include a swept path analysis of the largest vehicles requiring to access the site from the public highway to ensure the geometry of the accesses can safely accommodate the turning manoeuvre of the associated vehicles. No part of the development hereby permitted shall be
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## **PLANNING COMMITTEE MINUTES (Continued)**

first occupied unless and until the accesses have been constructed in strict accordance with the approved details. **REASON :** To ensure the provision of satisfactory site access and highway safety in accordance with Policy DP6 of Warwick District Local Plan 1996-2011.

### **51. W12/0066 LB – TINK A TANK HOUSE, 21 JURY STREET, WARWICK**

The Committee considered an application from Apteco Limited for the installation of 4kw solar photovoltaic panels to the south elevation of the main building, facing Jury Street, and the installation of solar thermal panes to the east and west elevation of the two storey outrigger, to the rear of the building.

The application was a tall three storey terraced Grade II Listed Building, located on the north side of Jury Street with the frontage facing towards Warwick Castle and adjacent to the Lord Leycester Hotel.

The application was brought before Committee because an objection had been received from Warwick Town Council who had concerns about the visual impact of the panels and whether it would be in accordance with the policies in the Conservation Area.

The case officer considered the following policies to be relevant:

- DP1 - Layout and Design (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)
- 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 case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property was situated. The proposal was therefore considered to comply with the policies listed.

Members requested clarity on the view of the roofs from Warwick Castle and officers confirmed that although the solar panels could be seen, due to their dark colour, they did not feel they were detrimental to the roofscape or the view from Tink a Tank House.

In general, members were encouraged by the proposal for alternative energy sources and, following an independent site visit by Councillor Cross, he assured members that you had to look quite hard to see the panels from street level.



## **PLANNING COMMITTEE MINUTES (Continued)**

Following consideration of the report and presentation the Committee was of the opinion that the application be granted in accordance with the officers' recommendations.

**RESOLVED** that W12/0066 LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing 100P2, and specification contained therein, submitted on 07/03/12. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011.

### **52. W12/0085 – 9 CROSS ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr Neil Crabb for the removal of chimney and formation of balcony extension after removal of chimney and roof over existing bedroom.

The application was brought before Committee because an objection had been received from Royal Leamington Spa Town Council who felt that the extension would have an adverse and intrusive impact on neighbouring properties.

The case 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)  
DAP6 - Upper Floors within Listed Buildings and Conservation Areas (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)

It was the case officer's opinion that the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. Furthermore, the proposal would not adversely affect the amenity of nearby residents and was therefore considered to comply with the policies listed.

## **PLANNING COMMITTEE MINUTES (Continued)**

Members raised concerns regarding the new external wall and the need to ensure that it was properly insulated. Officers advised that these issues were ordinarily covered by Building Regulations under the Party Wall Act and did not require additional conditions.

However, members felt strongly that they had a responsibility to ensure that the neighbour's amenity was not compromised and requested that an advisory note be added to make sure the external wall was made good, through Building Regulations, to ensure compliance with Policy DP2.

Following consideration of the report and presentation the Committee was of the opinion that the application be granted as per the officers' recommendations and the inclusion of an advisory note regarding the new external wall.

**RESOLVED** that W12/0085 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing No.11.094.01 & 11.094.02, and specification contained therein, submitted on 26th January 2012. **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.

### **53. W12/0358 – 20-24 HIGH STREET AND 2-8 SWAN STREET, WARWICK**

Members received a verbal update from officers regarding permission W12/0358 for change of use of first and second floors from office use to 9 residential flats, alteration to windows to first and second floors, construction of wall and gate across vehicular access. Construction of a garage and 3-bay carport at 20-24 High Street and 2-8 Swan Street, Warwick.

Planning permission had been granted by Committee on 22 May 2012 subject to a Section 106 to be completed by the end of June 2012, waiving residents' rights to parking permits.

## **PLANNING COMMITTEE MINUTES (Continued)**

Legal Services had advised that the Legal agreement had been progressed and was near completion, however, Members were requested to extend the deadline until the end of July 2012 to allow the legal agreement to be completed.

This urgent item was granted in accordance with the addendum circulated at the meeting and the timescale for signing the Section 106 was extended to the end of July.

**RESOLVED** that the timescale for completing the Section 106 agreement be extended to the end of July 2012 with regard to permission W12/0358.

The Chairman agreed to take this as an urgent item at the Officers' request, to ease the tight timescales involved in the legal process.

### **54. W11/0974 – CAMBRIDGE HOUSE, 3 NEWBOLD STREET, ROYAL LEAMINGTON SPA**

Members received a verbal update from officers regarding permission W11/0974 for the erection of a single and two storey side and rear extension to the existing 8 bedroom house in multiple occupation to provide a self-contained 4 bedroom house in multiple occupation' at Cambridge House, 3 Newbold Street, Leamington Spa

Planning permission had been granted by Committee on 22 May 2012 subject a Section 106 agreement being completed by the end of June 2012, to secure a contribution of £2,512 towards the provision or enhancement of public open space and to waive the rights of future occupants of the development to apply for resident's parking permits.

This report requested an extension to the deadline until the end of July 2012 to allow the legal agreement to be completed.

This urgent item was granted in accordance with the addendum circulated at the meeting and the timescale for signing the Section 106 was extended to the end of July.

**RESOLVED** that the timescale for completing the Section 106 agreement be extended to the end of July 2012 with regard to permission W11/0974.

The Chairman agreed to take this as an urgent item at the Officers' request, to ease the tight timescales involved in the legal process.

Officers advised that future applications would ensure that deadlines were agreed at the earliest opportunity with developers to avoid repeating this situation.

The Chairman, Councillor Illingworth, reminded members that the reserve night for Planning Committee on Wednesday 15 June 2012 had been earmarked for training from the Planning Advisory Service. He encouraged all members and substitute members to attend the training and requested that Councillors extend the invitation to their colleagues and fellow Ward

## **PLANNING COMMITTEE MINUTES (Continued)**

Councillors. He reminded the Committee that Planning Decisions were often open to criticism and all parties should ensure they are as well informed as possible to assist in making robust decisions.

(The meeting ended at 9.30 pm)