

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 24 July 2012 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Illingworth (Chairman); Councillors Mrs Blacklock, Brookes, Mrs Bunker, Cross, Mrs Knight, MacKay, Rhead and Weed.

Councillor Mrs Knight substituted for Councillor Wilkinson.

55. **DECLARATIONS OF INTEREST**

Minute Number 58 – W12/0109 – 22 Keytes Lane, Barford

Councillor Rhead declared a personal interest because the application site was in his ward. He also pointed out that he would be speaking in support of this application as a Ward Councillor.

Minute Number 59 – W12/0231 – Stoneleigh Park, Plots 68, 69, 75, 79, 85, 86

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

Minute Number 60 – W12/0653 – 7 Mill Lane, Barford

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

Minute Number 62 – W12/0564 LB – 3 Old Rectory, Vicarage Lane, Sherbourne, Warwick

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

Minute Number 63 – ENF134/15/12 – The Queen Victoria Public House, 45 High Street, Royal Leamington Spa

Councillor Weed declared a personal interest because the application site was in her ward. Councillors Brookes and Cross declared personal interests as members of CAMRA.

Minute Number 67 – W12/0290 – 11 Keytes Lane, Barford

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

Minute Number 68 – W12/0596 – 17 Aylesford Street, Royal Leamington Spa

Councillor Mrs Knight declared a personal interest because the application site was in her ward.

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Minute Number 69 – W12/0694 LB – Sion House, 9 High Street, Kenilworth

The Committee as a whole declared personal interests because they knew the joint owner of the site.

Councillor Mrs Blacklock declared a prejudicial interest as joint owner of the site and agreed to leave the room for the duration of the item.

Minute Number 70 – ENF326/46/11 – Tachbrook Stores, 20 Wychwood Close, Bishops Tachbrook, Royal Leamington Spa

Councillor Brookes declared a personal interest because the application site was in his ward.

Minute Number 71 – W91/0862 – Property adjacent to 28 Hall Close, Stoneleigh

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

56. SITE VISITS

To assist with decision making, Councillors Mrs Blacklock, Mrs Bunker, Cross, Illingworth, MacKay and Rhead visited the following application sites on Saturday 21 July 2012:

W12/0109 – 22 Keytes Lane, Barford, CV35 8EP

W12/0290 – 11 Keytes Lane, Barford, CV35 8EP

W12/0653 – 7 Mill Lane, Barford, CV35 8EJ

W11/0844 – The Forge, Honiley Road, Beausale, CV35 7NU

57. W08/0880 – BARN CLOSE NURSERIES, OLD WARWICK ROAD, SHREWLEY, WARWICK

This item was deferred at the request of the applicant, Mr Collins, in order that further information be provided to the Council to justify 'very special circumstances' sufficient to warrant the recommended condition being extended to include Mrs Collins.

58. W12/0109 – 22 KEYTES LANE, BARFORD, WARWICK

The Committee considered a retrospective application from Ms Healey to use the garage conversion as a holiday let, maximum occupancy of two people. The conversion had a living/kitchen area, shower room and separate bedroom.

The application was presented to the Committee because a number of objections had been received including one from Barford, Wasperton and Sherbourne Joint Parish Council.

The case officer considered the following policies to be relevant:

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

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

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Sustainable Buildings (Supplementary Planning Document - December 2008)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
RAP16 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

An addendum circulated at the meeting informed the Committee of a further neighbour letter, from 12 Verdon Place, which commented on the officer's report. The letter questioned the interpretation of the 28 day ruling and argued the letting of the yurt was a change of use which required planning permission. The addendum also stated that the yurt did not form part of the planning application.

Mr D Winstone addressed the Committee, objecting to the application and suggesting that it did not meet with a number of local policies. He was concerned about loss of privacy for neighbouring properties, the impact on the character of the area and the impact on parking.

Ward Councillor Rhead spoke in support of the application, explaining that he had been involved in trying to resolve various concerns of neighbours which had nothing to do with planning matters. He felt that the report before the Committee was clear in terms of planning concerns and stated that he supported the officer's recommendations.

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 or lead to significant levels of over-spill parking onto the public highway to the detriment of highway safety or the convenience of nearby residents, and was considered to comply with the policies listed.

Following consideration of the report and presentation, along with representations made at the meeting and the information contained in the addendum, the Committee was of the opinion that the application should be granted in accordance with the case officer's recommendation.

RESOLVED that item W12/0109 be GRANTED subject to the following condition:

the development hereby permitted shall be used as a holiday let only and not as a person's sole or main place of residence. The owner(s) shall maintain a register of the names and home addresses of all occupiers of the holiday let including the dates that they occupied the property and shall make this information available to the Local Planning Authority on request. **REASON:** Since an unrestricted use

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would be contrary to Policy RAP16 of the Warwick District Local Plan 1996-2011.

59. W12/0231 – STONELEIGH PARK, PLOTS 68,69,75,79,85,86, KENILWORTH

The Committee considered an application from LaSalle Investment Management for the erection of an equine well-being facility/livery yard (sui generis uses) to include two American stable barns, isolation stables, vets facility building, foaling unit building, lecture/mess room building, storage barn, five timber cabins to provide office, physiotherapy and cabin accommodation, horse exerciser, lunge ring, horse arena and other ancillary facilities.

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

The case officer considered the following policies to be relevant:

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
National Planning Policy Framework
SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)
SSP3 - Stoneleigh Park (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

Parish Councillor Mrs MacKenzie outlined Stoneleigh Parish Council's objections to the application, pointing out that it was in a sensitive, grade II star location. The Parish Council felt that more time should be spent on assessing the impact of the building, particularly in terms of the combined impact of this application, other proposals for Stoneleigh Park and HS2. As part of the application site was open fields, the Parish Council suggested that the fields should not be included in the application. The Parish Council was concerned that this would set a precedent for development within the greenbelt. Mrs MacKenzie suggested that the site should not be looked at in isolation from those around it and that therefore a decision on the item should be deferred.

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Mr C Hooper spoke in support of the application, pointing out that the site was already used for equine shows and expressing his belief that this was an appropriate development, being agricultural in nature and meeting the requirements of the local plan. Plans for a centre of excellence had been set out in a 15 year plan, submitted to the council. The applicant proposed to include open fields because horses required fields to graze on. Mr Hooper pointed out that the development would make use of existing buildings and that the design reflected the agricultural nature of Stoneleigh Park.

The Council's solicitor clarified that HS2 would not carry weight in determining any planning applications until such a time as it was formally approved by government and the route safeguarded.

It was the case officer's opinion that the development would not prejudice the openness and rural character of this Green Belt area or cause unacceptable harm to the Registered Park and Garden or setting of Listed Buildings and would not cause harm to highway safety. It was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, along with the representations made at the meeting, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendation, with an additional condition to clarify that the development cannot be used for any other use.

RESOLVED that item W12/0231 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) (750-15K, 750-16K, 750-17G, 750-18i, 750-19J, 750-P22D, 750-P23F, 750-P24E, 750-P25D, 750-P26F, 750-P27D, 750-P28D, submitted on 28 June 2012; STH2677-(MID)-011B submitted on 21 March 2012; 750-P34G, 750-P39A submitted on 10 July 2012; 750-P29P, L4428/08 Revision D submitted on 11 July 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) the development hereby permitted shall not commence until a detailed schedule of great crested-newt mitigation measures (to include

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- timing of works, protection measures, enhancement details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **REASON:** To ensure the protection of protected species and compliance with Policies DP3 and DAP3 of the Warwick District Local Plan 1996-2011;
- (4) 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 construction works are commenced. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (5) details of the means of the disposal of foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development of the buildings hereby approved is commenced. 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 foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall only be undertaken in strict accordance with surface water drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc, to include calculations and percolation test results to prove soak aways are viable) within the application site, including a long term management and maintenance plan, which have been submitted to and approved in writing by the District Planning Authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details. **REASON:** To ensure satisfactory provision is made for the disposal of storm water, to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and to satisfy Policies DP2, DP9 and DP11 of the Warwick District Local Plan 1996-

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- 2011 and the National Planning Policy Framework;
- (7) 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 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;
- (8) the development hereby permitted shall only be undertaken in strict accordance with details of soft landscaping works which have been submitted to and approved in writing by the local planning authority. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation of the development hereby permitted. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species. 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 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;

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- (9) the occupancy of the residential accommodation hereby permitted shall be restricted to individuals who are:
- Attending events at Stoneleigh Park, or
 - A direct employee at Stoneleigh Park, or
 - Undertaking work at Stoneleigh Park associated with agricultural activities, equestrian based activities, or the well being of the countryside and its inhabitants, or have animals in the care of the Equine Wellbeing facility.

REASON: Since an unrestricted use would be contrary to Policies RAP1 and RAP16 of the Warwick District Local Plan 1996-2011; and

- (10) The development hereby permitted shall be used as a equine well-being facility/livery yard (sui generis uses) and for no other purposes.

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.

60. W12/0653 – 7 MILL LANE, BARFORD, WARWICK

The Committee considered a retrospective application from Mr R Barnes for the retention of a two storey rear extension.

The application was presented to the Committee because a number of supporting letters had been received. Planning Committee had also considered this development on 22 May 2012, at which time it had authorised that enforcement action be taken.

The case officer considered that the following policies were relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework

Mr R Clay addressed the Committee in support of the application, highlighting the fact that there had been multiple letters of support for both the application and the applicant. Mr Clay gave a personal reference on behalf of the applicant and his family.

Mr D Bishton addressed the Committee in support of the application. He suggested that it had been a shock to the applicant that the development should be subject to a planning application. He said that the applicant had visited the council offices and, in the absence of available planning officers, had been told by a building control officer that a planning application would

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be unnecessary. He believed that enforcement officers who had subsequently dealt with the applicant had been unduly hasty. He also believed that officers had wrongly interpreted one neighbour's letter as an objection.

Councillor Barrott spoke in support of the application. He had known the applicant for a long time and had concerns about how the development had been handled, particularly in terms of the advice given to the applicant by a building control officer. Councillor Barrott had investigated the incident but had not been able to ascertain which building control officer had given advice to the applicant. However, Councillor Barrott also believed that enforcement officers had not guided the applicant appropriately and he did not think that the enforcement order would have stopped had he not intervened. He reiterated that there was overwhelming support for the application, talked about the effect which removal of the extension would have on the family and said that, while a letter from 7 Mill Lane made reference to loss of light, that letter also clearly stated support for the application.

Members felt that officers should have an opportunity to respond to some of the comments made. The Head of Development Services said that she would be extremely surprised if a building control officer had given advice on a planning matter and that they would ordinarily refer immediately to a planning officer. She would, however, investigate further. She also pointed out that enforcement officers tried to handle issues sensitively and that they would have taken the matter seriously. Members were reminded that, whilst there were emotional issues in the background, the development had to be considered on planning grounds, it required planning permission and was a clear breach of planning control.

In response to a Member's question, the Council's solicitor confirmed that it was possible that a precedent would be set if the development were granted, but that this would depend on how similar neighbouring properties were.

It was the case officer's opinion that the two storey rear extension had a detrimental impact on the amenities of the neighbouring properties due to its size, layout and massing and was considered an unacceptable form of development in this modest row of terraced properties, contrary to policies DP1 and DP2 of the local plan.

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be refused in accordance with the officer's recommendation.

RESOLVED that W12/0653 be REFUSED for the following reason:

policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore, development will not be permitted which has an unacceptable

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adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development. The Council have also adopted Residential Design Guide as Supplementary Planning Guidance which provides guidance as to what constitutes an unacceptable adverse impact on amenity in terms of loss of light and visual intrusion.

The two storey rear extension due to its size, layout and massing has a significant detrimental impact on the living conditions of the occupiers of both adjacent properties in terms of loss of light and visual intrusion. Furthermore, the extension is visible from a public viewpoint and due to its scale in relation to the surrounding properties does not make a positive contribution to the character of the area. The development is thereby considered to be contrary to the aforementioned policies and guidance.

61. W12/0269 – 7 COURT STREET, LEAMINGTON SPA

The Committee considered an application from Amara for retention of an exterior roller shutter on side staff entrance door.

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

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)

An addendum circulated at the meeting recommended an additional condition be attached to require the roller shutter doors to be painted to match the exterior of the building.

It was the case officer's opinion that the development would not adversely impact on the character and appearance of the area. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendation, with the amendment as proposed in the addendum.

RESOLVED that item W12/0269 be GRANTED with a condition to require that Within 2 calendar months from the date of this permission, the roller shutter doors shall be painted to match the exterior of the 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.

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62. **W12/0564 LB – 3 OLD RECTORY, VICARAGE LANE, SHERBOURNE, WARWICK**

The Committee considered an application from Mr & Miss Tongue / Harper-Roberts for a proposed extension to form a living room and hall.

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

The case officer considered that the following policies were relevant:

DP1 - Layout and Design (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)

National Planning Policy Framework

It was the case officer's opinion that the proposed development would not adversely affect the historic integrity, character or setting of the listed building and was of an acceptable standard of design and detailing. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that item W12/0564 LB be GRANTED subject to the conditions listed below:

- (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;
- (2) no development hereby permitted shall take place unless and until details of all external facing materials have been submitted to and approved by the District Planning Authority. 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 Policies DP1 and DAP4 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of

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materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DAP4 of the Warwick District Local Plan 1996-2011; and

- (4) before the development hereby approved commences, a scheme shall be submitted to and approved in writing by the District Planning Authority to detail steps to be taken to secure the safety and stability of the adjoining brick boundary wall. Details shall be carried out as approved. **REASON:** To safeguard to stability of the adjoining listed wall during construction in accordance with Policy DAP4 of the Warwick Development Plan 1996-2011.

63. **ENF134/15/12 – THE QUEEN VICTORIA PUBLIC HOUSE, 45 HIGH STREET, LEAMINGTON SPA**

The Committee considered a report as Mr M Drake, licensee, had made unauthorised alterations to a Grade II Listed Building, a property owned by Enterprise Inns.

The report was brought before the Committee to request that enforcement action be authorised.

The case officer considered the following policies to be relevant:

DP1: Warwick District Local Plan 1996 – 2011 - Layout and Design

DAP4: Warwick District Local Plan 1996 – 2011 - Protection of Listed Buildings

DAP7: Warwick District Local Plan 1996 – 2011 - Restoration of Listed Buildings

DAP8: Warwick District Local Plan 1996 – 2011 - Protection of Conservation Areas

National Planning Policy Framework

An addendum circulated at the meeting advised the Committee that Mr Drake, the former licensee of the premises had advised that the premises were no longer in use and that his interest in them had now ceased. The unauthorised changes to the building however remain unresolved such that authorisation to take appropriate enforcement action continued to be sought.

It was the case officer's opinion that the combination of the bright non-heritage colour of the ground floor frontage and illuminated signage, the satellite dish and the replica flags detracted from the classical simplicity of the building, to the detriment of the historic character and appearance of this Grade II Listed Building and did not preserve or enhance the character and appearance of the Leamington Spa Conservation Area contrary to the

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above listed policies. The National Planning Policy Framework (paragraph 133) required that development that caused substantial harm to a grade II listed building should be exceptional, and should be refused unless it could be demonstrated that the substantial harm was necessary to achieve substantial public benefits that outweighed the harm. The works undertaken caused substantial harm and there were not considered to be any public benefits which outweighed that harm. Officers had advised the Licensee and property owner that consent would be unlikely to be granted for the alterations and officers had sought the voluntary resolution of the above matters. However, to date, with the exception of the removal of advertising banners, the unauthorised features remained. It was considered that the service of a Listed Building Enforcement Notice was required in order to remedy this situation.

Following consideration of the report, presentation and addendum, the Committee was of the opinion that enforcement action should be authorised in respect of the satellite dish only and with a compliance period of 3 months.

RESOLVED that ENF134/15/12 be AUTHORISED directed at the removal of the unauthorised satellite dish, with a compliance period of 3 months.

64. W11/0844 – THE FORGE, HONILEY ROAD, BEAUSALE, WARWICK

The Committee considered an application from Mr S Hellier for the erection of a single storey glazed link, between the existing two storey office unit and the single storey living unit, and a proposed single storey two bay garage with store to the North-West corner of the existing site.

The application was presented to the Committee because a number of objections had been received, including one from the Beausale, Haseley, Honiley and Wroxall Parish Council. The application had also been requested to be presented to the Committee by Councillor Mrs Gallagher.

The case officer considered the following policies to be relevant:

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

Sustainable Buildings (Supplementary Planning Document - December 2008)

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

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

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

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

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

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

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

National Planning Policy Framework

An addendum circulated at the meeting informed those present that the neighbouring resident has emailed Planning Committee with additional

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comments in relation to the relocation of the fuel oil tank and the potential for environmental pollution.

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 did not harm the general openness or rural character of the Green Belt area within which the property was situated. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendations, with an additional condition to require details of the means of enclosure to the fuel tank as required by Building Regulations.

RESOLVED that item W11/0844 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) (805-A1-010-E, 805-A1-001-B), and specification contained therein, submitted on 26 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;
- (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 construction works are commenced. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), roof lights, eaves, verges and

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rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

Before any work in connection with the development hereby permitted is commenced on site, detailed plans and specifications of any screenwalls/fences required around the relocated fuel tank shown on plan drawing no. 805-A1-010-E shall be submitted to and approved in writing by the District Planning Authority. The approved screenwalls/fences shall be constructed in the positions shown on the said plan before the buildings hereby permitted are occupied and shall thereafter be maintained in those positions unless otherwise agreed in writing by the District Planning Authority. **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.

65. W11/0845 LB – THE FORGE, HONILEY ROAD, BEAUSALE, WARWICK

The Committee considered an application from Mr S Hellier for the erection of a single storey glazed link, between the existing two storey office unit and the single storey living unit.

The application was presented to the Committee because a number of objections had been received, including one from the Beausale, Haseley, Honiley and Wroxall Parish Council. The application had also been requested to be presented to the Committee by Councillor Mrs Gallagher.

The case officer considered the following policy to be relevant:

DAP4 - Protection of Listed Buildings (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 and was of an acceptable standard of design and detailing. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendations, with the addition of a condition to require

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details of the means of enclosure to the fuel tank as required by Building Regulations.

RESOLVED that item W11/0845 LB be GRANTED subject to the condition listed below:

- (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;
- (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) (805-A1-010-E, 805-A1-001-B), and specification contained therein, submitted on 26 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;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), roof lights, eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

Before any work in connection with the development hereby permitted is commenced on site, detailed plans and specifications of any screenwalls/fences required around the relocated fuel tank shown on plan drawing no. Item 5 / Page 120

PLANNING COMMITTEE MINUTES (Continued)

805-A1-010-E shall be submitted to and approved in writing by the District Planning Authority. The approved screenwalls/fences shall be constructed in the positions shown on the said plan before the buildings hereby permitted are occupied and shall thereafter be maintained in those positions unless otherwise agreed in writing by the District Planning Authority. **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.

66. W11/1251 – LAND AT STRATFORD ROAD, WARWICK

The Committee considered an application from Kestrel Properties Ltd for the erection of up to 91 dwellings and associated infrastructure.

The Planning Committee had resolved to grant permission on 17 January 2012, subject to a Section 106 Agreement. This agreement had yet to be signed, and the applicants had requested the description of development be amended to reflect the original description which was advertised (i.e. erection of up to 91 dwellings and associated infrastructure and landscaping). This would enable them to proceed and sign the agreement. The application was therefore being presented to the Committee to request that its previous resolution be amended to reflect the change in description.

The case officer considered the following policies to be relevant:

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

SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

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

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

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

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)

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

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

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)

DP5 - Density (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)

Vehicle Parking Standards (Supplementary Planning Document)

PA6 Portfolio of Employment land and Premises (West Midlands Regional Spatial Strategy 2008)

Planning Policy Statement 1 : Delivering Sustainable Development

PLANNING COMMITTEE MINUTES (Continued)

Planning Policy Statement 3 : Housing
Planning Policy Statement 4 : Planning for Sustainable Economic Growth
Planning Policy Guidance 13: Transport
Planning Policy Statement 25 : Development and Flood Risk

It was the case officer's opinion that, although the proposal was contrary to policies SC2 and UAP1 of the Local Plan, and policy PA6 of the West Midlands RSS, the limited harm caused to employment land supply through the loss of this particular site given its size, nature and location; the contribution the proposal would make to meeting the District's housing needs in a sustainable location within the urban area; the ability of the proposal to support the delivery of the outstanding community infrastructure within the South West Warwick allocation; and the Government's statement in supporting economic growth and maintaining a flexible supply of land for housing were all material considerations that outweighed the conflict with the development plan. In all other respects the proposal complied with the policies listed.

Following consideration of the report and presentation, the Committee was of the opinion that the application should be granted subject to the completion of a Section 106 agreement in accordance with the officer's recommendation.

RESOLVED that item W11/1251 be GRANTED subject to the completion of a S106 agreement to secure 40% affordable housing, a contribution of £70,000 towards the Chase Meadow Community Centre, a contribution of £50 per dwelling for sustainable travel packs and the dedication of the land for public open space to the Council and a commuted sum for its laying out and maintenance, and 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) layout
 - (b) scale
 - (c) appearance
 - (d) landscaping

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

- (2) 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.

PLANNING COMMITTEE MINUTES (Continued)

- REASON:** To comply with Section 92 of the Town and Country Planning Act 1990;
- (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 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 shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development 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. 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. **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;
- (5) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety;
- (6) the development shall be laid out and constructed in general accordance with the Proposed Site Plan 1045-121 Rev PA. Access for vehicles/pedestrians to the site shall not be made other than at the position identified on the approved drawing number 1045-121 Rev PA. The development shall not be commenced until an access for vehicles/pedestrians has been provided to the site not less than 5.5 metres in width at any point, as measured from the near edge of the public highway carriageway. **REASON:** Estate roads including

PLANNING COMMITTEE MINUTES (Continued)

- footways, verges, and footpaths are designed and laid out in accordance with the principles set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001' and constructed in accordance with the Highway Authority's standard specification. To ensure compliance with the Council's standards, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (7) the development hereby permitted shall not commence until two weeks notice in writing of the start of works has been given to a suitably qualified ecologist appointed by the applicant to supervise all ground work elements of the development within the site to ensure protected species -great crested newts, nesting birds and reptiles- are not harmed by the works. **REASON:** To ensure the protected species are not harmed by the development;
- (8) prior to the development hereby approved commencing the results of the ground gas monitoring should be submitted in writing and approved by the Local Planning Authority. **REASON:** To establish which mitigating measures are required;
- (9) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON:** This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (10) the development hereby permitted shall not commence unless and until a scheme detailing a buffer or bunding along the boundary of the residential properties and the approved B1, B2, B8 uses adjacent to the application site, has been submitted and approved by the District Planning Authority and thereby maintained for the lifetime of the development. **REASON:** To protect the residential amenity of the residential properties in accordance with the policy DP2 of the Warwick District Local Plan 1996-2011;and

PLANNING COMMITTEE MINUTES (Continued)

(11) development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include the following detail:

- The design of the proposed drainage system should show that no above ground flooding occurs in a 30 year event, and that if flooding occurs in the 100 year event (plus climate change) that it remains on site and safe. If above ground flooding does occur in the 100 year event (plus climate change) it should be demonstrated that it remains on site & safe via topographic plans, calculations (e.g. Microdrainage), manhole schedules and text. This information should show any flow routes, locations of ponding, depths of ponding and durations of ponding. Evidence should also be submitted to show the determination of the critical storm durations for both summer and winter rainfall events.
- The FRA states that the use of soakaways should be considered as a primary method of disposal of surface water. Soakaway tests should therefore be undertaken and the accompanying report submitted for comment.

Details of how the scheme shall be maintained and managed after completion.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

67. W12/0290 – 11 KEYTES LANE, BARFORD, WARWICK

The Committee considered an application from Mr R Williams for the removal of a flat roof extension at ground floor, replacement with pitched roof extension, extension to bedrooms at first floor, and ancillary alterations.

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

The case officer considered the following policies to be relevant:

PLANNING COMMITTEE MINUTES (Continued)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
Barford Village Design Statement (September 2009)

It was the case officer's opinion that the development respected surrounding buildings in terms of design and form, did not adversely affect the amenity of neighbouring residents and was considered to enhance the character and appearance of the Conservation Area. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that item W12/0290 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 6350/1 issue 4, and specification contained therein, submitted on 06/04/2012 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.

68. W12/0596 – 17 AYLESFORD STREET, LEAMINGTON SPA

The Committee considered an application from Mr D Hunt for the change of use from dwelling (C3) to a 4 bed HMO (House in Multiple Occupation) (C4 Use).

PLANNING COMMITTEE MINUTES (Continued)

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

The case officer considered that the following policies were 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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the case officer's opinion that the development would not adversely impact on the character and appearance of the area or nearby residents. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that item W12/0596 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 drawings and specification contained therein, submitted on 24 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.

69. W12/0694 LB – SION HOUSE, 9 HIGH STREET, KENILWORTH

The Committee considered an application from Mr R Blacklock for the installation of 14 black solar panels to the rear roof of the property, with SMA (sunnybey type) inverter mounted in cellar.

The application was presented to the Committee because the applicant was a spouse of a member of Warwick District Council.

The case officer considered that the following policies were relevant:

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

An addendum circulated at the meeting recommended that condition 3 be amended to include a time limit for implementation of the scheme for the removal of the apparatus.

It was the case officer's opinion that the proposed solar panels would generate energy from renewable resources and were located in a position that would result in minimal harm to the Listed Building and Conservation Area. The proposed development was therefore considered to be in accordance with the policies listed.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation, with the amendment as proposed in the addendum.

RESOLVED that W12/0694 LB 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 TP/100 and TP/103, and specification contained therein, submitted on 13/06/12. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DAP8 and DAP4 of the Warwick District Local Plan 1996-2011; and
- (3) once any of the apparatus or structure retained in accordance with this permission is no longer required for decentralised energy production purposes, a scheme shall be submitted to the District Planning Authority and approved in writing, for the removal of that apparatus or structure and reinstatement of the Listed Building, the removal and reinstatement shall not be carried out otherwise than in full accordance with such approved details.
REASON: To ensure a high standard of design and appearance for this Listed Building within

PLANNING COMMITTEE MINUTES (Continued)

the Conservation Area, to facilitate the removal of apparatus and reinstatement of the site, and to satisfy the requirements of Policy DP13, DAP4 and DAP8 of the Warwick District Local Plan 1996-2011.

(Councillor Mrs Blacklock left the meeting for the duration of this item, having declared a prejudicial interest.)

70. ENF326/46/11 – TACHBROOK STORES, 20 WYCHWOOD CLOSE, BISHOPS TACHBROOK, LEAMINGTON SPA

The Committee considered a report as Mrs S Mundi had erected a side extension and installed an external metal roller shutter without planning permission.

The report was brought before the Committee to request that enforcement action be authorised.

The case officer considered the following policies to be relevant:

DP1: Warwick District Local Plan 1996 - 2011- Layout and Design;

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

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

WDC Guidance: Increased Security for Retail Premises

National Planning Policy Framework

An addendum circulated at the meeting stated that the ownership of the property was now understood to have recently changed. The new owner was Mr I Nagra who had been advised of the issues the subject of this report and who was understood to be seeking advice on security matters from PC 6179 Groom with whom officers were also liaising.

Whilst authorisation to take appropriate enforcement action continued to be sought from Planning Committee, should authority be given, officers were proposing to postpone the service of an Enforcement Notice until after 31 August 2012 in order to enable Mr Nagra to take further advice, consider and act on the options available to him.

It was the case officer's opinion that the rear extension, whilst constructed of inappropriate materials, was not considered to read as a significant feature in the street scene such that it neither impacted materially on the visual amenities of the surrounding area; the character and appearance of the Conservation Area or the setting of the adjacent Listed Buildings. It was not therefore proposed that any further action be taken in relation to this structure. However, the external untreated roller security shutter and associated fixtures were considered to be unsightly such that it materially impacted upon the visual amenities of the surrounding area, including the character and appearance of the Bishops Tachbrook Conservation Area.

Officers had been in contact with the owner of the property and whilst an application had been received for the retention of the roller shutter, the application was invalid as it did not contain the necessary plans or

PLANNING COMMITTEE MINUTES (Continued)

information. In view of the absence of a voluntary resolution, it was considered that the service of an Enforcement Notice was required in order to remedy this situation.

Following consideration of the report, presentation and addendum, the Committee was of the opinion that enforcement action should be authorised, subject to postponement of the service of an Enforcement Notice until after 31 August 2012, as set out in the addendum.

RESOLVED that

- (1) ENF326/46/11 be AUTHORISED directed at the removal of the unauthorised roller shutter and all associated with a compliance period of 6 months; and
- (2) Service of the enforcement notice be postponed until after 31 August 2012.

71. W91/0862 – PROPERTY ADJACENT TO 28 HALL CLOSE, STONELEIGH

The Committee considered a report for the erection of 12 dwellings with car parking and construction of an estate road.

The application was presented to the Committee because there was a need for the previous Section 106 Agreement to be amended.

The case officer considered the following policy to be relevant:

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

The original organisation English Villages Housing Association (EVHA) changed its name to RHT Developments Limited (RHTD) in 2004 and, in 2009 converted from an Industrial & Provident Society to a Private Company Limited by Shares. In 2011 RHTD changed its name to Rural Housing Trust Limited (RHTL).

RHTL had requested a change to the original s106 agreement to reflect the change in the status of the organisation and to allow them to grant new 99 year subleases on the shared ownership properties. It was the case officer's opinion that this was appropriate because, although the freehold reversion was held by Hastoe Wyvern Housing Association Limited, RHTL had retained a minority share in the properties. The deed of variation would allow RHTL to grant new 99 year subleases when the properties were resold. The agreement would not affect any existing shared owners or any mortgagees of those shared owners. In addition, whilst varying the agreement it gave the opportunity to clarify the local connection criteria so that it reflected the criteria set out in the Rural Local Lettings Policy (February 2011).

Following consideration of the report and presentation, the Committee were of the opinion that the Section 106 agreement should be amended in accordance with the officer's recommendation, subject to a couple of amendments to ensure that the wording was not just reflective, but compliant with, provisions and reflected current policy.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that in respect of item W91/0862, the Section 106 agreement should be amended a deed of variation be entered into to allow for the following:

- (1) that RHTL continues to manage the shared ownership properties on the development even those it is not a Registered Provider and is no longer an Industrial & Provident Society and does not have charitable status;
- (2) RHTL to grant a 99 year sublease to qualifying households. The new lease will be a shared ownership lease following the HCA model form and staircasing will be restricted to 80% thereby ensuring the properties are affordable in perpetuity; and
- (3) to clarify the Local Connection criteria in relation to allocations so that it is reflective of the provisions in the Rural Local Lettings Policy (February 2011).

(The meeting ended at 8.52 pm)