

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 20 May 2009 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Ms Dean, Illingworth, Mackay, Mobbs and Rhead.

(Councillor Mobbs substituted for Councillor Mrs Higgins)

Apologies for absence were received from Councillor Kinson.

1. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor MacKay be appointed as Chairman of the Committee for the ensuing municipal year.

2. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED that Councillor Illingworth be appointed as Vice - Chairman of the Committee for the ensuing municipal year.

3. DECLARATIONS OF INTEREST

Minute Number 8 - W09/0395 – 8 Moseley Road, Kenilworth

Councillor Mobbs declared a personal and prejudicial interest because he had previously considered this matter on Kenilworth Town Council, Planning Committee and left the room for the consideration of the item.

Councillor Mrs Bunker declared a personal interest because she was a member of Kenilworth Town Council Planning Committee but did not recall considering this application.

Minute Number 9 – W09/0060 – Land rear of 22, Llewellyn Road, Royal Leamington Spa

Councillor Barrott declared a personal interest because the family of one of the objectors were known to him through his previous employment.

Minute Number 11 – W09/0220 – Magnet House, Emscote Road, Warwick

Councillor Barrott declared a personal interest because an objector was known to him through his previous employment.

4. MINUTES

The minutes of the meeting held on 29 April 2009 were confirmed as a correct record, subject to two minor amendments, and signed by the Chairman.

PLANNING COMMITTEE MINUTES (Continued)

5. W05/2081 - DAIRY HOUSE, KENILWORTH ROAD, ROYAL LEAMINGTON SPA

The Committee considered an application from CB Properties (Midlands) for the conversion and extension of office building to form eight apartments.

The application was considered by the Planning Committee on 4 May 2006 and 21 August 2007, when it was resolved that planning permission should be granted, subject to a Section 106 agreement to secure 100% affordable housing. Since then negotiations had taken place between the applicant and the Council's Housing Strategy team over the method for providing the affordable housing, but no agreement had been reached.

The application was referred back to Committee on 11 March 2009 because the Housing Moratorium had been lifted and this removed the policy requirement for the development to provide affordable housing. At the 11 March meeting it was resolved that the application be deferred pending a report from the Interim Head of Legal Services clarifying the current situation on the unilateral undertaking on Affordable Housing previously offered by the applicant and whether the affordable housing requirement for the adjacent site (Ince House / Kenilworth House) may be achieved on the Dairy House site. These issues had been discussed with Legal Services and Housing Strategy and their comments had been incorporated into this revised report. The Committee had also raised a concern relating to the parking provision, which did not accord with the current parking standards. This was also addressed in this revised report.

The officers addendum circulated at the meeting detailed that a neighbour had passed further comments on the application. In addition the addendum withdrew condition 9 as it was no longer necessary because the adjacent Barrats site had been constructed.

In the opinion of the Head of Planning, the development was of an acceptable standard of design which was in keeping with the architectural and historic character of the Conservation Area within which the site was located. The development would be acceptable in terms of highway safety and would not have a significant impact on the living conditions of neighbouring dwellings. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:
Councillor R Cooping Ward Councillor (Objecting)

Following consideration of the Officers' report and presentation, the officers addendum and by those who addressed the Committee, the Committee were of the opinion that the application should be granted as per the recommendation in the report, subject to the removal of condition 9, amendments to conditions 3, 4 and 13 as set out in the report and an additional condition on renewable energy.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W05/2081 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 approved drawings, and specification contained therein, submitted on 6 February 2006, and the approved site layout plan submitted on 1 May 2009, 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 Local Plan Policies DP1 & DP2;
- (3) a landscaping scheme for the whole of those parts of the site not to be covered by buildings, including the provision of a trellis as show on the approved plan to the south elevation, 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 Policy DP1 of the Warwick District Local Plan;

PLANNING COMMITTEE MINUTES (Continued)

- (4) no development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment, including the retention and protection during construction of existing brick boundary walls, 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 Policy DP1 of the Warwick District Local Plan;
- (5) 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.
- (6) 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 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan;
- (7) no development shall be carried out on the site 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 Policy DP1 of the Warwick District Local Plan;

PLANNING COMMITTEE MINUTES (Continued)

- (8) the car parking area hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in accordance with details which have previously been approved by the District Planning Authority. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan;
- (9) the development hereby permitted shall not be brought into use unless there is available vehicular turning space within the application site (together with the adjoining residential development site approved under WDC Ref. W04/1121) so that refuse vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan;
- (10) the development hereby permitted shall not be brought into use until the proposed means of access to the site has been provided and shall not be less than 5.5 metres in width at any point. **REASON** : To enable 2 vehicles to pass one another when entering and leaving the highway in the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan;
- (11) no lighting shall be fixed to the external walls or roof(s) of the building(s) hereby permitted or on any open land within the site, without the written consent of the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 & DP2 of the Warwick District Local Plan;
- (12) no flues, vents, windows or other openings shall be formed in the elevations on the northern, eastern or southern boundaries of the development hereby permitted unless otherwise agreed in writing by the local planning authority. **REASON**: To protect the living conditions of neighbouring dwellings, in accordance with Policy DP2 of the Warwick District Local Plan; and

PLANNING COMMITTEE MINUTES (Continued)

(13) 10% renewable energy requirement.

6. W09/0281 – TREE TOPS, 2 BROWNLEY GREEN LANE, HATTON

The Committee considered an application from, Mrs J Mitchell, for the erection of a double garage with utility and guest bedroom accommodated at first floor level.

The application was deferred at the last meeting to allow for site visit to take place.

The application had been requested to be presented to Committee by Councillors Mrs Sawdon.

The Head of Planning considered the following policies to be relevant to the application:

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

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

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

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

In the opinion of the Head of Planning, the principal issues in the case were the impact of the proposal on the Green Belt and the need for the development.

In the case of development in the Green Belt, PPG2: Green Belts made it clear that there was a general presumption against development in such areas. Guidance was given on the types of development which need not be "inappropriate" but the only types of development relating to houses were replacement dwellings (subject to very restrictive criteria set out in the Warwick District Local Plan), and extensions to dwellings, also with limitations on size in the PPG and in the Local Plan. In fact, extensions were excluded from early versions of PPG2 and Appeal Inspectors did refuse applications for such extensions as being, by definition, "inappropriate development". This logic meant that detached buildings within the curtilage of a dwelling in the Green Belt should also be considered as 'inappropriate development' (unless they were "permitted development"). This means that, as specified in PPG2, "very special justification" was required before consent could not be given.

In the present case, the proposed building was considered to be quite large and tall and would stand in a prominent position in the street scene in the Green Belt. It was accepted that there was a tall hedge/shrubbery around this part of the front garden but this could easily be cut down or removed and could not be protected by a condition or other similar action. It would also not screen the building when the site was approached from the south. Under these circumstances, the building would be very prominent in an area where there were no similar structures and, therefore, would be seriously detrimental to the openness of this part of the Green Belt.

Due to the fact that this was, by definition, contrary to Green Belt policy, it was necessary to establish if there was any 'very special justification' which would warrant granting consent in this particular case.

PLANNING COMMITTEE MINUTES (Continued)

The applicant had submitted a long statement of explanation and justification which explained that the existing three bedrooms in the house were restricted due to being partly in the roofspace; the plans show that the eaves line passes through the middle of the first floor front window (i.e. it is a semi-dormer). The justification went on to say that to build an extension onto the house itself would be "very detrimental to the aesthetics of the front of the property by unbalancing the front elevation of this pair of attractive semi-detached houses". This was not accepted. The design was pleasant but was considered to be not of such quality as to justify being 'listed' as of special architectural or historic interest, which was the only time when such an extreme architectural view could be considered. If it was 'listed', then the erection of a large detached garage block close to it, and in its front garden, was likely to be considered to be seriously detrimental to the setting of the house.

The statement also stated that the additional accommodation was needed for when the applicants family visits from Scotland, but it was considered that this personal reason did not justify overriding the strong presumption against development in the Green Belt, given the very prominent position of the proposed building.

The following people addressed the Committee:

Mr K Mitchell	Applicant
Councillor Mrs S Sawdon	Ward Councillor

Following consideration of the Officers' report and presentation and by those who addressed the Committee, it was proposed that the application should be granted contrary to the recommendation in the report. This was lost by five votes to four. It was then proposed and seconded that the application should be refused in accordance with the recommendation in the report this was carried five votes to four.

RESOLVED that application W09/0281 be REFUSED because the site is situated within the Green Belt and the Warwick District Local Plan 1996-2011, and Planning Policy Guidance Note 2, state that, within the Green Belt, the rural character of the area will be retained and protected. Policy DAP1 of the Warwick District Local Plan 1996-2011 contains a general presumption against "inappropriate" development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed in the policy and, in the Planning Authority's view, very special circumstances sufficient to justify departing from the development plan have not been demonstrated.

7. W09/0384CA – 38 CONWAY ROAD, LEAMINGTON SPA

The Committee considered an application from Mr Davies for the demolition of the existing dwelling.

PLANNING COMMITTEE MINUTES (Continued)

This application was presented to Committee because of the number of objections received and an objection had been received from Royal Leamington Spa Town Council.

The Head of Planning considered the following policies to be relevant to the application:

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

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

The Planning Officers circulated details of a further objection to the application in their addendum at the meeting.

In the opinion of the Head of Planning, the proposed demolition would not result in harm to the character or appearance of the Conservation Area and the proposal was considered to comply with the policies listed.

The following addressed the Committee

Councillor R Cunliffe Town Councillor (Objecting)

Ms M Aitken (Objector)

Councillor B Gifford Ward Councillor (Objecting)

Following consideration of the Officers' report and presentation, along with the information contained in the agenda and by those who addressed the Committee, it was proposed that the application be refused contrary to the recommendation in the report.

RESOLVED that application W09/0384CA be REFUSED because the demolition of this property in the absence of an acceptable scheme for its replacement would be premature, resulting in the creation of an unacceptable vacant site to the detriment of the Conservation Area, contrary to the provisions of POLICY DAP9 in the Warwick District Local Plan 1996 – 2011.

8. W09/0395 – 8 MOSELEY ROAD, KENILWORTH

The Committee considered an application from Dr Z Bucci for the addition of a single storey side extension and a first floor rear extension, pitched roof over existing side extension, with dormer extension to rear.

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

Information relating to the application was circulated at the meeting in the officers addendum. This summarised an objection from a neighbour to the application site.

The Head of Planning considered the following policies to be relevant to the application:

The 45 Degree Guideline (Supplementary Planning Guidance)

PLANNING COMMITTEE MINUTES (Continued)

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)

In the opinion of the Head of Planning, the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

The following addressed the Committee:

Councillor M Coker Town Councillor (Objecting)

Following consideration of the Officers' report and presentation, the Committee were of the opinion that the application should be granted as per the recommendation in the report.

RESOLVED that application W09/0395 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 approved drawing(s) (0904/P/01 March 09 and 0904/P/04 March 09), and specification contained therein, submitted on 4 May 2009 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; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

9. **W09/0060 – LAND REAR OF 22, LLEWELLYN ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an outline application including details of access\layout and scale, from Greywell Property Limited, for the erection of a

PLANNING COMMITTEE MINUTES (Continued)

two storey block of 24 study/bedroom student accommodation together with access road/car park.

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

Information relating to the application was circulated at the meeting in the officers addendum. This included details of the County Ecologist report on their visit to the site, further comments from an objector and responses by Planning Officers to these, along with further guidance on the outcome of a previous planning appeal for an application on this site.

The Head of Planning considered the following policies to be relevant to the application:

Distance Separation (Supplementary Planning Guidance)

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

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

DP5 - Density (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

DP6 - Access (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

Vehicle Parking Standards (Supplementary Planning Document)

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

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

In the opinion of the Head of Planning, the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of car parking, highway safety or loss of trees which would justify a refusal of permission. Furthermore, it was considered that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on protected species. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officers report and presentation along with the information contained within the addendum the Committee were of the opinion that the application should be granted in accordance with the recommendation in the report.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W09/0060 be GRANTED because:

- (1) this permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 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

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. **REASON**: To comply with Section 92 of the Town and Country Planning Act 1990;
- (3) 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;
- (4) no development shall be carried out on the site which is the subject of this permission, until details of existing and proposed ground levels of the development, including the finished floor levels of the building, 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 protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy DP1 of the Warwick District Local Plan;

PLANNING COMMITTEE MINUTES (Continued)

- (5) no development shall be carried out on the site 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 & DP2 of the Warwick District Local Plan;
- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on 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;
- (7) the development hereby permitted shall not be commenced until a scheme to ensure that mud and debris from construction traffic will not be deposited on the highway, has been submitted to and approved in writing by the District Planning Authority. The approved measures shall be implemented at all times during the development. **REASON** : In the interests of highway safety and the visual amenities of the area, in accordance with Policy DP6 of the Warwick District Local Plan;

PLANNING COMMITTEE MINUTES (Continued)

- (8) 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 Policy DP11 of the Warwick District Local Plan 1996-2011;
- (9) prior to the commencement of the development hereby permitted a plan to show the layout and surface treatment of a cycle parking area for use in association with the development shall have been submitted to and approved by the District Planning Authority. The cycle parking area 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. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development;
- (10) 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 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;
- (11) the development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan;

PLANNING COMMITTEE MINUTES (Continued)

- (12) the development hereby permitted shall not be occupied until an access for vehicles has been provided to the site not less than 5 metres wide for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan;
- (13) the proposed 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. The parking area shall at all times thereafter be kept free of obstruction and be available for parking. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan;
- (14) the vehicular access for the development hereby permitted shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or ditch. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (15) the development hereby permitted shall not be occupied before the verge crossing has been laid out to the satisfaction of the District Planning Authority, in consultation with the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (16) the vehicular access to the site shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway, in accordance with details to be approved in writing by the Local Planning Authority, in consultation with the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (17) all hard surfaces hereby approved shall be made of porous materials. **REASON** : To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan;
- (18) the development shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of reptiles within the site as set out in the Reptile Mitigation plan prepared by Cotswold Wildlife surveys dated September 2008, as amended by the email from Rupert Hopcraft dated 18 February 2009.
REASON : To ensure the protection of reptiles and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011; and
- (19) no lighting shall be fixed to the external walls or roof(s) of the building(s) hereby permitted, or on any open land within the application site without the written consent of 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.

10. W09/0182 – THE COTTAGE, LAPWORTH STREET, LAPWORTH

The Committee considered an application from Mr J Mace, for the erection of reclaimed brick cladding to front elevation and erection of two storey extension.

This application was presented to Committee because an objection had been received to the original plans from Lapworth Parish Council.

Revised plans had been submitted and passed to Lapworth Parish Council. It was reported in the officers addendum that Lapworth Parish Council did not have any objection to the revised plans for the application.

The Head of Planning considered the following policies to be relevant to the application:

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

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

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

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

In the opinion of the Head of Planning, the development respected the scale, design and character of the original dwelling and did not harm the general openness or rural character of the green belt within which the property was situated. The proposal was therefore considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the officer report and presentation along with the information contained within the addendum the Committee were of the opinion that the application should be granted in accordance with the recommendation in the report with the addition of a note to the applicant regarding the inclusion of renewables into the scheme and complying with the District Council's Supplementary Planning Document on sustainability.

RESOLVED that application W09/0182 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 approved drawing AW/0.18; AW/1.20; AW/E-27,E-2636; AW/E-29,E-2837 and specification contained therein, submitted on 6 April 2009, 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) 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 retaining the openness of the green belt, in accordance with Policy DAP1 of the Warwick District Local Plan 1996-2011; and
- (4) the single storey rear wing shown for demolition on the approved plans shall be demolished at the commencement of the building work, before the work on construction of the extensions is started. **REASON** : To protect the openness of the green belt, in accordance with policies DAP1 and RAP2 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

11. W09/0220 – MAGNET HOUSE, EMSCOTE ROAD, WARWICK

The Committee considered an application from Mr G Murray for the demolition of part of front elevation, rendering walls, hard standing and refurbishment of reception area and toilets.

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

The Committee had visited the site because the Chairman had thought it would be beneficial to the Committee when determining the application.

The Head of Planning considered the following policies to be relevant to the application:

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

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

In the opinion of the Head of Planning, the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of unacceptable detriment to the street scene which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

Following consideration of the Officers' report and presentation the Committee were of the opinion that the application should be granted in line with the recommendation in the report.

RESOLVED that application W09/0220 be GRANTED subject to the conditions listed below;

- (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 approved drawing 417/01 03, 417/01/04A, and specification contained therein, submitted on 6th March 2009 and 7th April 2009 respectively 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; and

PLANNING COMMITTEE MINUTES (Continued)

- (3) no development shall be carried out on the site which is the subject of this permission, until details of the colour of the masonry paint has 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 secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

12. W09/0269 – WETHELE MANOR FARM, RUGBY ROAD, WESTON UNDER WETHERLEY

The Committee considered an application from Mr S Moreton for the demolition of dog kennel and conversion of existing farm buildings to provide a dwelling to replace existing residential accommodation in permanent caravan; with the removal of the existing caravan from the site.

This application was being presented to Committee because if granted it would be subject to a legal agreement.

In the officers addendum circulated at the meeting it was recommended by officers that a further condition be added to the permission, if granted, for 10% renewable energy.

The Head of Planning considered the following policies to be relevant to the application:

DAP1 - Protecting the Green Belt (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)

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

DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

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

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

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

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

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

In the opinion of the Head of Planning, the building proposed for conversion was of permanent and substantial construction and the proposed use could be accommodated without extensive rebuilding or alteration to the external appearance of the building. Furthermore, it was considered that the proposal represented a sustainable form of development and did not harm the general openness or rural character of the green belt within which the property was situated. The proposal was therefore considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the Officers' report and presentation, along with the officers addendum the Committee were of the opinion that the application should be granted in line with the recommendation in the report.

RESOLVED that application W09/0269 be GRANTED, subject to the satisfactory conclusion of a legal agreement to secure the removal of the existing mobile home before the first occupation of any part of the new dwelling hereby approved, and to ensure that the use permitted by planning permission no. W77/0460 is then extinguished, and 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 approved drawing(s) 1465/1, 4609/04B & 4609/05B, and specification contained therein, submitted on 6 May 2009, 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) no development shall commence on site until a photographic record of the building has first been obtained in accordance with a brief to be first agreed in writing by the District Planning Authority in consultation with the Warwickshire Museum. The record so obtained shall be deposited with the Museum prior to work commencing. **REASON:** To ensure a record is made of the structure which is part of the built heritage of the District, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (4) a landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting 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. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (5) 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 DP11 and DP2 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (6) 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 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 rural character and appearance of the barn(s) is protected, in accordance with Policy RAP7 of the Warwick District Local Plan 1996-2011;
- (7) 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;
- (8) no development shall take place until two weeks notice in writing of the start of works has been given to a qualified bat worker appointed by the applicant to supervise any destructive works to the interior or exterior of the roof of the barn. Should bats be found during the works, then work must cease immediately while Natural England are consulted for further advice. **REASON**: To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (9) all window and door frames in the barns shall be constructed in timber. **REASON** : To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policy RAP7 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (10) 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 : To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policy RAP7 of the Warwick District Local Plan 1996-2011;
- (11) before the first occupation of any part of the dwelling hereby permitted, the existing residential caravan and the dog kennel shown on the approved site plan shall be permanently removed from the site. **REASON:** To protect the openness of the Green Belt and to ensure that the proposals represent sustainable development, in accordance with the requirements of PPG2 (Green Belts) and Policies DAP1 and RAP1 of the Warwick District Local Plan; and
- (12) 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 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.

(The meeting ended at 9.13 pm)