

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 12 June 2012 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillors Mrs Blacklock, Brookes, Ms De-Lara-Bond, MacKay, Mobbs, Rhead, Weed, Wilkinson and Williams.

Apologies were received from Councillor Illingworth.

Councillor Mobbs substituted for Councillor Mrs Bunker and Councillor Williams substituted for Councillor Cross.

In the absence of the Chairman, Councillor MacKay, as Vice Chairman of the Committee, chaired the meeting.

24. **DECLARATIONS OF INTEREST**

Minute Number 26 – W11/1097 – Land adjacent to the Gables, 122 Rouncil Lane, Kenilworth

Councillor Mrs Blacklock declared a personal interest because she knew some of the objectors to the application.

Councillor Rhead declared a personal interest as one of the objectors was a personal friend.

Minute Number 28 – W12/0279 – Plots 39 and 44, Stoneleigh Park, Kenilworth

Councillor Mackay declared a personal interest as the application site was in his Ward.

Councillor Weed declared a personal interest as she was employed by an organisation that was based in Stoneleigh Park.

Minute Number 30 – W11/0446 – Sandy Lane Meeting Room, Sandy Lane, Royal Leamington Spa

Councillor Ms De-Lara-Bond declared a personal interest because the application site was in her Ward and she was a School Governor at North Leamington School.

Minute Number 32 – W11/1184 – Queen and Castle, Castle Green, Kenilworth

Councillor Mrs Blacklock declared a personal interest because the application site was in her Ward and as Ward Councillor, she had been involved with some issues that had arisen concerning the site.

Councillor Brookes declared a personal interest as he was a member of CAMRA.

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 33 – W11/1185 LB - Queen and Castle, Castle Green, Kenilworth

Councillor Mrs Blacklock declared a personal interest because the application site was in her Ward and as Ward Councillor, she had been involved with some issues that had arisen concerning the site.

Councillor Brookes declared a personal interest as he was a member of CAMRA.

Minute Number 34 - W11/1208 – 37 Leyes Lane, Kenilworth

Councillor Mobbs informed Members that he had corresponded with an objector last year, but had not expressed an opinion.

Minute Number 37 – W12/0471 – 11 Whitmore Road, Whitnash, Royal Leamington Spa

Councillors Mrs Blacklock, Brookes, Ms De-Lara-Bond, MacKay, Mobbs, Rhead, Weed, Wilkinson and Williams all declared a personal interest as the applicant's wife was a Warwick District Council employee.

Minute Number 38 – W12/0493 – 2 Fieldgate Lawn, Fieldgate Lane, Kenilworth

Councillor Mrs Blacklock declared a personal interest because she knew the applicant.

25. **SITE VISITS**

To assist with decision making, Councillors Mrs Blacklock, Brookes, Ms De-Lara-Bond, MacKay, Rhead, Weed, Wilkinson and Williams visited the following application sites on Saturday 9 June 2012:

W11/0004 – 67 Common Lane, Kenilworth

W11/1097 – Land adjacent to the Gables, 122 Rouncil Lane, Kenilworth

W11/1208 – 37 Leyes Lane, Kenilworth

W11/1670 – Quarry Farm, Old Milverton Lane, Royal Leamington Spa

W12/0493 – 2 Fieldgate Lane, Kenilworth

26. **W11/1097 – LAND ADJACENT TO THE GABLES, 122 ROUNCIL LANE, KENILWORTH**

The Committee was advised that in respect of application W11/1097, neighbour notifications had not yet been completed.

RESOLVED that item W11/1097 be DEFERRED as neighbour notifications had not been completed.

27. **W11/0004 – 67 COMMON LANE, KENILWORTH**

The Committee considered an application from Leamington Gospel Hall Trust for a change of use from a residential dwelling to a place of worship and the construction of a vehicle parking area to the front with retaining wall.

PLANNING COMMITTEE MINUTES (Continued)

Following the decision of Kenilworth Town Council to withdraw its objection to the application, Councillor Shilton had requested that the application be presented to the Planning Committee.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)

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

An addendum was circulated at the meeting which informed the Committee that an objection had been received on the amended plans from a resident in the neighbouring property to the application site. Members were also given a copy of a letter containing further evidence in support of the application from the Leamington Gospel Halls Trust. The addendum also contained a recommendation that an additional condition should be set to ensure adequate parking.

Councillor Mike Hitchens, representing his constituents in Kenilworth, addressed the Committee in objection to the application. He felt that there was no reasonable argument to reduce the housing stock. It stated that the times of the meetings were unacceptable in a residential area and would cause disturbance to the neighbours. He was concerned that the parking arrangements would allow people to look into bedrooms. Local residents wanted the site to be used as a family home. If the application did go ahead, then the times the facility could be used should be limited to after 9.00am and before 9.00pm.

Mr Simon Cox spoke on behalf of the Brethren, in support of the application. He informed the Committee that 30 of the people who would be working at the premises were not members of the Brethren. He assured Members that the premises would only be used for meetings and not for social events, and that the applicant had no difficulty with the conditions proposed by the District Council. The Brethren would work with the neighbours and would blend in.

Members felt that if the property was a family home, then neighbours could face disturbance at all hours.

PLANNING COMMITTEE MINUTES (Continued)

It was noted that WCC Highways did not object to the parking arrangements subject to a condition requiring development in accordance with the submitted plans. When Members pressed concern over parking, especially as Mr Cox had informed them that the congregation had grown in Kenilworth, and also it was likely that not all members of the congregation would live locally, Mr Gary Stephens, the Development Manager informed the Members that the applicant had submitted evidence on the type of use and there was adequate on-street parking with no evidence that it might cause a safety issue. Mr Stephens pointed out that condition four in the report was a standard clause for hard surfaces. He advised that the Committee should accept the applicant's assurance that car sharing, sustainability and walking would be promoted.

There was some debate amongst Members on whether a condition should be set to restrict the congregation size, but the Development Manager pointed out to the Members that the building size itself would limit the congregation size.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendations and the additional condition set out in the addendum.

RESOLVED that item W11/0004 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;
- (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) (no. 3076), and specification contained therein, submitted on 24 April 2012 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) samples of the external facing materials to be used in the construction of the retaining wall hereby permitted, shall be submitted to and approved by the local planning authority before any construction works are commenced. Development shall be carried out only in strict accordance with the approved details unless otherwise agreed in writing by the local planning authority. **REASON:** To ensure that the visual amenities of the area are protected,

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- and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) 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;
- (5) the use hereby permitted shall enure solely for the benefit of Leamington Gospel Hall Trust only and on the discontinuance of their use of the site for the purposes of worship, that use shall immediately cease and revert to its former residential use. **REASON:** Since the use is only considered acceptable in highway and amenity terms on the basis of the information put forward by this applicant, and use as a place of worship by a separate party may result in further unacceptable impacts in accordance with Policies DP2, DP6 and DP8 of the Warwick District Local Plan;
- (6) within six months of the implementation of the works hereby approved replacement planting shall be undertaken and shall be maintained in strict accordance with a schedule of maintenance for the tree(s) until successfully established in accordance with the details set out in the approved application documentation or any variation submitted to and approved in writing by the local planning authority. All tree(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). If within a period of five years from the date of planting the tree(s) (or any other tree(s) planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree(s) of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree(s), or in accordance with any variation for which the local planning authority give their written consent. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (7) the car parking areas shown on the approved plans shall be constructed prior to occupation of the development and thereafter be permanently retained for parking purposes for

PLANNING COMMITTEE MINUTES (Continued)

the development hereby permitted, and there shall be no parking of vehicles in the rear garden of the property at any time. **REASON:** To ensure that adequate parking facilities are retained for use in connection with the development and to protect the amenity of surrounding occupiers, in accordance with the requirements of Policies DP2 and DP8 of the Warwick District Local Plan 1996-2011.

28. W12/0279 – PLOTS 39 & 44, STONELEIGH PARK, KENILWORTH

The Committee considered an application from LaSalle Investment Management for the erection of a two storey office building and associated hardstanding, car parking, cycle store, bin store, and landscaping (use class B1(a))

The application was presented to the Committee as an objection had been received from Stoneleigh and Ashow Joint Parish Council.

The case officer considered the following policies to be relevant:

National Planning Policy Framework

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

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

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

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

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

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

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

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

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

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

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

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

SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)

SSP3 - Stoneleigh Park (Warwick District Local Plan 1996 - 2011)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Vehicle Parking Standards (Supplementary Planning Document)

It was the case officer's opinion that the development did not prejudice the openness and rural character of the green belt area.

Mrs S Wyatt spoke on behalf of the Parish Council in objection to the application. She welcomed investment in Stoneleigh Park but stated that she would like the application to be deferred as a number of applications had come forward for Stoneleigh Park in advance of the Local Plan. There would be significant pressure on the infrastructure. She requested deferment until after the Master Plan had been fully considered alongside the other applications going forward. She did not think that this would cause a significant delay.

PLANNING COMMITTEE MINUTES (Continued)

Mr Hooper addressed the Committee in support of the application. He gave the background to the application and emphasised its importance to the applicant. He asserted that it would improve operational effectiveness as operations could all be conducted from the one building. He stated that the proposals would improve the look of the Park and that the gym and café facilities on the site would help the staff. He informed the Committee that an application had been made to upgrade the main entrance and bridge.

Members noted that the building passed the architectural tests and needs requirements tests and could find no reasons to object.

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 recommendations.

RESOLVED that item W12/0279 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;
- (2) samples of all external facing, roofing and paving materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the local planning authority before any construction works are commenced.
Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local 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;
- (3) before any development commences on site the following shall be submitted to and approved in writing by the local planning authority and any approved mitigation or protection measures shall be put into place prior to and remain in place during any construction work:
 - (a) a detailed scaled plan (to a scale and level of accuracy appropriate to the proposal) showing the position of every tree on the site, and every tree on land adjacent to the site (including street trees) that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area etc) with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75

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millimetres.

(b) a schedule of the trees surveyed as specified in paragraph 4.2.6 of British Standard BS5837 - 2012 Trees in Relation to Design, Demolition & Construction - Recommendations;

(c) an arboricultural implications assessment, arboricultural method statement and tree protection plan (to include protection measures during and after construction and any construction exclusion zones) (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) which shall also include any proposal for pruning or other preventative works;

- (4) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the office building hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations;
- (5) the development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability,

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watercourses etc) within the application site, including a long term management and maintenance plan, which have been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority. **REASON:** To ensure satisfactory provision is made for the disposal of storm water and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the local 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 unless otherwise agreed in writing by the local planning authority. **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.

29. W12/0448 – SANDALL HOUSE FARM, NARROW LANE, LOWSONFORD, SOLIHULL

The Committee considered a retrospective application from Mr D Hine for the construction of new drives.

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

The case officer considered the following policies to be relevant:

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development did not prejudice the openness and rural character of the green belt area.

PLANNING COMMITTEE MINUTES (Continued)

The Rowington Parish Councillor who had registered to speak did not attend the Committee meeting.

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 W12/0448 be GRANTED.

30. W11/0446 – SANDY LANE MEETING ROOM, SANDY LANE, ROYAL LEAMINGTON SPA

The Committee considered an application from The Trustees of the Sandy Lane Meeting Rooms Trust for the formation of new vehicular access from Sandy Lane, and a path and on-site car parking to serve the existing ancillary burial ground.

The application was presented to the Committee as a number of objections had been received, one of which was from Blackdown Parish 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)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

It was the case officer's opinion that the development did not prejudice the openness and rural character of the green belt area and would be acceptable in terms of highway safety. Furthermore, the proposals would not harm the living conditions of nearby dwellings.

Mr S G Ballantyne had registered to speak in opposition to the application within the deadlines required by the District Council, but due to an administrative error, this had not been recorded on the District Council's system. As the applicant's agent, Mr Frampton, was available at the Committee meeting and was willing to speak in support of the application, the Chairman agreed that it was right and proper that Mr Ballantyne and Mr Frampton be allowed to address the Committee.

Mr Ballantyne, a local resident, addressed the Committee and spoke in opposition to the application. He felt that there should be enforcement action covering the fencing running along both the north and south divides. He asserted that there would be a reduction in capacity for burial space. He was also concerned that eventually a fourth access would be required for an alternate or additional burial space, and questioned how long it would be until this happened and whether this would necessitate another application process. He informed the Committee that he estimated that to-date during his time living in the area for 32 years, there had been nine or ten applications regarding the site.

PLANNING COMMITTEE MINUTES (Continued)

Mr Frampton, agent for the applicant, addressed the Committee in support of the application. Mr Frampton stated that Highways Department had not objected to the proposal for a small parking area for three car spaces, and these spaces would be used infrequently, possibly three to four times a year. He stated that the fencing was permitted development and therefore could not be subject to enforcement action. In reference to the reduction of interment space, Mr Frampton pointed out that this was not a material consideration in the context of the application. Over the concern expressed by Mr Ballantyne that there might be further applications, Mr Frampton pointed out that if further applications were submitted to the Council, it would be up to the Council to decide on the merits of those applications.

The Committee noted that the site was on the fringe of the green belt and felt that it would not be right to refuse the application under green belt guidelines or PPG2 given that housing, the Meeting Room and a school surrounded the site. It did share the concerns expressed by the Highways Department about the access to Leicester Lane, which the Highways Officer had stated could only be used for agricultural access, but Members were unsure about the enforcement action to remove the hard surfacing to prevent other uses for the access. A proposal was made to grant the application, which was duly seconded. The Committee then discussed the argument for enforcement action.

In respect of the enforcement action, it was felt that this might be heavy-handed, and Members would have preferred that the enforcement action would have been dealt with as a separate item. A suggestion was made that instead of enforcement action, a condition could be placed on the application to close off the Leicester Lane access for all other types of traffic except agricultural use. Members also questioned the need for a third access point along Sandy Lane, which according to the proposals, would only be used by the Brethren to visit burial plots.

Ms Tracy Darke, the Head of Development Services, informed the Members that the enforcement action was to ensure reinstatement to former use and therefore she still recommended that it should be agreed. She had no concerns in respect of the suggestion that a condition be added to ensure the closure of the access to traffic other than for agricultural purposes on the Leicester Lane access, but a condition should be in addition to the enforcement action. In respect of the third access along Sandy Lane, she pointed out that it was not for the Council to dictate who used which access. The additional three car parking spaces did not significantly impact the green belt to refuse the application. A proposal was made to authorise the enforcement action, which was duly seconded.

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 recommendations.

RESOLVED that item W11/0446 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three

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years from the date of this permission.

- REASON:** To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first use of the car park hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To 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;
- (3) the car park hereby permitted shall not be used unless and until a public highway verge crossing has been laid out and constructed in accordance with the details to be submitted to and approved in writing by the local planning authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (4) the vehicular access hereby permitted shall not be used unless and until visibility splays have been provided to the public highway carriageway with an 'x' distance of 2.4 metres and 'y' distances of 70 metres to the near edge

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- of the public highway carriageway. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (5) no vehicular through route shall be maintained from the proposed car park through to the existing access on the A445 or through to the existing car park. **REASON**: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

In respect of the enforcement action:

RESOLVED that enforcement action be authorised to ensure the cessation of the unauthorised use of the land hatched red on the original application site plan as a place of worship and to require the removal of all parts of the hard surface from this land and the restoration of the land to its condition before the breach took place, with a compliance period of TWO months.

31. **W11/1171 – WOODCOTE, LAPWORTH STREET, BUSHWOOD, LOWSONFROD, HENLEY-IN-ARDEN**

The Committee considered an application from Mr A Mackintosh for the erection of a replacement dwelling.

The application was presented to the Committee because an objection had been received from Lapworth Parish 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)
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)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
RAP3 - Replacement Dwellings (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework
Sustainable Buildings (Supplementary Planning Document - December 2008)

PLANNING COMMITTEE MINUTES (Continued)

It was the case officer's opinion that the proposed replacement dwelling was not materially larger than the approved dwelling and did not result in a greater impact on the character and openness of the rural area.

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 W11/1171 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) (1102_101A & 1102_106A submitted on 17 May 2012. 1102_02B, 1102_04A & 1102_107C submitted on 28 May 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 be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **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;
- (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

PLANNING COMMITTEE MINUTES (Continued)

- 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 Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not commence until a copy of the Natural England licence application that details the schedule of bat mitigation measures (to include timing of works, replacement roost 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 bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (6) 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;
- (7) the development hereby permitted shall be undertaken in the presence of a qualified reptile worker, appointed by the applicant, to supervise all destructive works until the reptile worker is satisfied that the remaining works are unlikely to impact upon reptiles. Should any reptiles be found during this operation,

PLANNING COMMITTEE MINUTES (Continued)

- then work must cease immediately whilst WCC Ecological Services are consulted for further advice. **REASON:** To ensure the protection of reptiles and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (8) 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. **REASON:** This site is within the Green Belt where the exercise of permitted development rights could result in a dwelling substantially larger than that approved, which would be contrary to guidance within the National Planning Policy Framework and Local Plan Policy RAP3. It is considered appropriate therefore to retain control over future development to ensure that the openness and rural amenity of this locality is protected in accordance with the provisions of the NPPF and District Wide Policy RAP3 of the Warwick District Local Plan 1996-2011.

32. W11/1184 – THE QUEEN AND CASTLE, CASTLE GREEN, KENILWORTH

The Committee considered an application from Mitchells & Butlers for the continued display of various signage

The application was presented to the Committee as an objection had been received from Kenilworth 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)

It was the case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property was situated.

The Committee considered that the refurbishment was successful and the signs were in keeping with the general upgrading of the building.

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 W11/1184 be GRANTED subject to the following condition:

PLANNING COMMITTEE MINUTES (Continued)

- (1) within one month of the date of this decision the modification to the lighting hereby approved should be carried out in accordance with the details submitted on 17/05/12, and shall not be removed or modified, 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 DAP4 of the Warwick District Local Plan 1996-2011.

33. W11/1185 LB – THE QUEEN AND CASTLE, CASTLE GREEN, KENILWORTH

The Committee considered an application from Mitchells & Butlers for the continued display of existing signage.

The application was presented to the Committee as the recommendation was contrary to the objection from Kenilworth 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)

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

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

It was the case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property was situated.

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 W11/1185 LB be GRANTED subject to the following condition:

- (1) within one month of the date of this decision the modification to the lighting hereby approved should be carried out in accordance with the details submitted on 17/05/12, and shall not be removed or modified, 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 DAP4 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

34. W11/1208 – 37 LEYES LANE, KENILWORTH

The Committee considered an application from Domino's Pizza Group Ltd for a replacement shop front and retrospective approval for new external compressors (air conditioning and cold room) and a replacement extract ventilation system. This was a re-submission of previous application W11/0593.

The application was presented to the Committee as an objection had been received from Kenilworth Town Council and because Councillor Shilton had also requested that the application be presented to the Committee.

The case officer considered that the following policies were relevant:

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

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

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

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of noise or odour which would justify a refusal of permission.

In an addendum circulated at the meeting to Committee Members, the case officer had recommended that conditions one and two given in his report should be deleted as the proposed works had been implemented.

Councillor Mrs Bunker, representing Kenilworth Town Council, had also provided further comments stating that there was no objection to the shop front providing it was in keeping with the surroundings, but that the noise of the air conditioning and the blocking of residents' drives with delivery vehicles was still unsatisfactory. A neighbouring resident had written to confirm that noise levels had dropped since the modifications were made, but the equipment could still be heard at nearby residences.

Committee members noted that noise levels would seem to have been resolved and had felt that the levels had been acceptable when they had conducted their site visit.

Following consideration of the report and presentation and the information contained in the addendum, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendation but conditions one and two should be deleted in accordance with the officer's recommendation in the addendum.

RESOLVED that conditions one and two should be deleted as per the recommendation in the addendum report and therefore that item W11/1208 be GRANTED, subject to the following conditions:

- (1) the rating level of the noise emitted from plant located at the site shall not exceed the existing background noise level at any time, when measured one metre from the façade, by more than 3dB(A) (measured as LA_{eq} (5 minutes)) at any noise sensitive residential property

PLANNING COMMITTEE MINUTES (Continued)

when measured and corrected in accordance with BS 4142: 1997. If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

REASON: To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

- (2) fumes from the hot food preparation areas shall be mechanically extracted and the extraction system shall be provided with de-greasing and de-odourising filters in its entirety and in full accordance with the approved details prior to the commencement of use for the cooking of food. The equipment shall thereafter be permanently maintained in accordance with the manufacturers instructions and the approved details. **REASON:** To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011.

35. W11/1621 – LAND OPPOSITE HERON BROOK HOUSE, BAKERS LANE, KNOWLE

The Committee considered a retrospective application from Mrs Susan Smith for the construction of a car park and a horse transport manoeuvring area ancillary to the adjoining paddock with vehicular access.

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

The case officer considered that the following policies were relevant:

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

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

National Planning Policy Framework

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

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

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

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of highway safety or visual amenity which would justify a refusal of permission.

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.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that item W11/1621 be GRANTED subject to conditions listed below:

- (1) the vehicular access hereby permitted shall only be used for purposes in connection with and incidental to the use of the adjacent land outlined in blue and annotated 'Lot 1' on the site location plan submitted on 19 January 2012 for grazing purposes and shall not be used for the purposes of a livery or riding school or any other commercial purposes. **REASON:** Since the access is of limited visibility and would not be acceptable for a more intensive use and to satisfy Policy DP6 of the Warwick District Local Plan 1996-2011;
- (2) the vehicular access hereby permitted shall be surfaced with a suitable bound material for a distance of at least 15 metres as measured from the near edge of the public highway carriageway by no later than 1st September 2012 unless otherwise agreed in writing by the local planning authority and thereafter the bound surface shall not be removed or altered in any way unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (3) by no later than 1st September 2012 a plan must be submitted to and approved in writing by the local planning authority showing the visibility splays which must be maintained from the vehicular access to the site. Within these visibility splays, vegetation fronting the limits of the public highway shall be maintained such as to ensure that no tree or shrub shall be planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (4) within the visibility splays approved under condition 3 no structure shall be erected or retained that exceeds a height of 0.6 metres above the level of the carriageway of the public highway. **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)

36. W11/1670 – QUARRY FARM, OLD MILVERTON LANE, OLD MILVERTON, ROYAL LEAMINGTON SPA

The Committee considered an application from Opus Land, (Quarry Farm) LLP 4 Care UK for erection of an 80 bed residential care home (Use Class C2) after the demolition of existing buildings and the removal of commercial store.

The application was presented to the Committee as an objection had been received from Old Milverton and Blackdown Joint Parish Council and because it was recommended that planning permission be granted subject to the completion of a legal agreement by 31 July 2012.

The case officer considered that the following policies were relevant:

National Planning Policy Framework

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

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

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

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

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

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

Vehicle Parking Standards (Supplementary Planning Document)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

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

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

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

Sustainable Buildings (Supplementary Planning Document - December 2008)

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

Warwickshire Landscape Guidelines SPG

It was the case officer's opinion that the proposed development was considered to constitute appropriate development in accordance with paragraph 89 of the NPPF. The development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of parking, highway safety, trees and ecology, drainage or loss of employment which would justify a refusal of permission.

The Committee considered that the application made no additional impact on the green belt and that the design was more traditional. It also noted that sustainability was relatively good, especially in respect of transport. The Members were pleased that the applicant had taken comments made into consideration.

Mr Gary Stephens, the Development Manager, explained that there were recreational facilities provided. Two pocket courtyards and a much larger garden would be provided. The proposals met the Council's standards in respect of parking. It was unlikely that the occupants would have cars as the application was for a residential care home, so parking was only an issue for staff and visitors, but also there was public transport in the location. Some Members were concerned that there was not adequate

PLANNING COMMITTEE MINUTES (Continued)

space provided for enrichment, especially for occupants who suffered from dementia, but it was pointed out that this was not a planning matter.

The Development Manager asked Members to approve an amendment to condition 14 in the recommendations in the report. The amended wording would ensure that the facility could only be used for the purpose under which application approval had been granted, but if the applicant wanted to change this, then it could re-apply to the Council.

Following consideration of the report and presentation, the Committee was of the opinion that the application should be granted in accordance with the report subject to the completion of a Section 106 Agreement to secure a contribution towards highway improvements and to provide that the use and development in the Lawful Development Certificate reference W/09/0649 and planning permission reference W/05/1601 were not implemented, and subject to the conditions listed below. Failure to complete the agreement by July 31st 2012 could result in the application being refused. The amended wording for condition 14 was also agreed.

RESOLVED that W11/1670 be GRANTED subject to the completion of a Section 106 Agreement to secure a contribution towards highway improvements and to provide that the use and development in the Lawful Development Certificate ref: W/09/0649 and planning permission ref: W/05/1601 are not implemented, and subject to the conditions listed in the report, with a reworded condition 14. Failure to complete the agreement by 31 July 2012 may result in the application being refused. The following conditions will apply:

- (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;
- (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 (drawing numbers 1116/PA/001, 1116/PA/002, 1116/PA/004, 1116/PA/005, 1116/PA/006, 1116/PA/007, 1116/PA/008, 1116/PA/010, 1116/PA/011, 1116/PA/012, PO3), and specification contained therein, submitted on 28 December 2011. **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 (including any works of demolition) shall not be commenced until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The

PLANNING COMMITTEE MINUTES (Continued)

- approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works, unless otherwise agreed in writing by the local planning authority. **REASON:** To secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (4) samples of all external facing and paving 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) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the Local 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;
- (6) no development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved

PLANNING COMMITTEE MINUTES (Continued)

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 unless otherwise agreed in writing by the local planning authority. 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;

- (7) the landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (8) the use of the development hereby permitted shall operate only in strict accordance with the approved Travel Plan, submitted on 28 December 2011, unless otherwise agreed in writing by the District Planning Authority, in consultation with the Highway Authority. **REASON:** To satisfy the aims of the NPPF in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site and in accordance with Policy DP7 of the Warwick District Local Plan 1996-2011;
- (9) the development hereby permitted shall be undertaken in the presence of a qualified bat

PLANNING COMMITTEE MINUTES (Continued)

worker appointed by the applicant to supervise all destructive works to the roof of the buildings 2 and 6 (as annotated in Extended Phase 1 Habitat Survey and Bat Survey report) to be demolished. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England and WCC Ecology Unit are consulted for further advice. In addition to this the qualified bat worker shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To ensure that protected species are not harmed by the development, and to satisfy the requirements of Policy DP3 of the Warwick District Local Plan 1996-2011;

- (10) no part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes for swallows to be erected on buildings within the site has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the box(es) shall be installed and maintained in accordance with the approved details and thereafter shall not be removed or altered in any way without the prior consent of the Local Planning Authority. **REASON:** To ensure that protected species are not harmed by the development;
- (11) prior to the first occupation of the development hereby permitted the scheme for the disposal of storm water and foul sewage shall have been fully implemented in accordance with the drainage statement submitted to the Local Planning Authority on 28 December 2011 and thereafter shall not be removed or altered in any way without the prior written approval of the Local Planning Authority. **REASON:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution;
- (12) the proposed car and cycle 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 car parking area shall be kept free of obstruction and be available for those purposes at all times thereafter. **REASON:** To ensure that adequate

PLANNING COMMITTEE MINUTES (Continued)

parking facilities are provided and retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

- (13) 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;
- (14) the development hereby permitted shall be used for a convalescent/care home and for no other purpose including any other purpose in Class C2 of the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). **REASON:** Other uses within this Use Class may not be appropriate in this development by reason of parking and highway safety, and to satisfy Policies DP6, DP7 and DP8 of the Warwick District Local Plan 1996-2011;
- (15) no lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (16) no development shall be carried out on the site which is the subject of this permission, until details of a fume extraction system 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 surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

37. **W12/0471 – 11 WHITMORE ROAD, WHITNASH, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr S Bartlett for the erection of a front porch, and the amended design of the side and rear

PLANNING COMMITTEE MINUTES (Continued)

extension as previously approved under W/09/0853 (dormer windows already installed)

The application was presented to the Committee because an objection had been received from Whitnash Town Council and because the applicant's wife was a Warwick District Council employee.

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)

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the case officer's opinion that the proposed development was of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings and did not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy.

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

RESOLVED that W12/0471 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 numbers SB3A; SB4A rev B; SB4 Rev A and SB6 Rev B and specification contained therein, submitted on 24 April 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) prior to the occupation of the development hereby permitted, the first floor window in the side elevation shall be permanently glazed with

PLANNING COMMITTEE MINUTES (Continued)

obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window shall be retained and maintained in that condition at all times.

REASON: To protect the privacy of users and occupiers of nearby properties and or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

38. W12/0493 – 2 FIELDGATE LAWN, FIELDGATE LANE, KENILWORTH

The Committee considered an application from Mr Sampson for the demolition of the existing garage and erection of a two-storey side/rear extension.

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

The case officer considered the following policies to be relevant:

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

Sustainable Buildings (Supplementary Planning Document - December 2008)

National Planning Policy Framework

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

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

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)

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.

An addendum was circulated at the meeting, which gave details of support for the application from an adjoining neighbour.

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

RESOLVED that W12/0493 be GRANTED subject to the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- (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) 028/PL.01 Revision B; 028/PL.02 Revision A; 028/PL.03 Revision A; 028/PL.04 Revision A; 028/PL.05 Revision B; and specification contained therein, 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, DP2 and DAP8 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 Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **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.

39. ENF 277-38-11 – 94 NORTHUMBERLAND ROAD, ROYAL LEAMINGTON SPA

The Committee considered a report concerning a property belonging to a Mr Dey and Mrs Hughes, whose house extension was not being built in accordance with planning permission.

The case officer considered the following policies to be relevant:

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

PLANNING COMMITTEE MINUTES (Continued)

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

It was the case officer's opinion that in view of the significant adverse impact on the living conditions of the occupiers of the adjacent properties by reason of the introduction of increased potential for overlooking and associated loss of privacy; and the failure of negotiations with the owners of the property, the service of an Enforcement Notice was now considered appropriate to secure the removal of the unauthorised development.

The Committee was concerned that neighbours would lose privacy and amenity area and that the applicants had continued without consideration.

RESOLVED that ENF 277-38-11 be AUTHORISED to cease the use of this elevated area by securing the removal of the unauthorised steel and glass balcony rails. The period of compliance to be two months.

(The meeting ended at 8.02 pm)