

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 14 August 2012 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Illingworth (Chairman); Councillors Mrs Blacklock, Brookes, Mrs Bunker, Cross, Ms De-Lara-Bond, MacKay, Mobbs, Weed and Wilkinson.

Councillor Mobbs substituted for Councillor Rhead.

72. **DECLARATIONS OF INTEREST**

Minute Number 75 – W12/0780 – Land adjacent to 26 Fieldgate Lane, Kenilworth

Councillor Mrs Blacklock declared a personal interest because the application site was in her Ward, she knew all of the objectors and the architect, and some people had contacted her for advice.

Councillor Mrs Bunker recorded a personal interest on the declarations of interest sheet because people opposing the application were known to her.

Councillor Illingworth declared a personal and prejudicial interest because he knew three of the public speakers very well.

Councillor Mobbs declared a personal interest because he knew two of the public speakers.

Minute Number 76 – W12/0771 – 15 Smythe Grove, Woodloes Park, Warwick

Councillor Cross declared a personal interest because the application site was in his Ward and he knew an interested party by sight.

Minute Number 80 – W12/0716 – Fernhill Farm, Rouncil Lane, Kenilworth

Councillor Mrs Bunker declared a personal interest because the applicant was a Warwickshire County Councillor and a Kenilworth Town Councillor and she knew some of the objectors. At the point when the application was introduced by the Chairman for discussion, she changed her declaration to one of personal and prejudicial interest because she knew the applicant very well.

Councillors Ms De-Lara-Bond and MacKay declared personal interests because the applicant was a Warwickshire County Councillor.

Councillor Illingworth declared a personal and prejudicial interest because he knew the applicant who was a Warwickshire County Councillor and they were both officers of the Kenilworth Conservative branch.

Councillor Mobbs declared a personal interest because the applicant was known to him as a Warwickshire County Councillor. At the point when the

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application was introduced by the Chairman for discussion, he changed his declaration to one of personal and prejudicial interest because he knew the applicant very well.

73. SITE VISITS

To assist with decision making, Councillors Mrs Blacklock, Brookes, Mrs Bunker, Cross, Illingworth, MacKay, Weed and Wilkinson visited the following application sites on Saturday 11 August 2012:

W12/0771 – 15 Smythe Grove, Woodloes Park, Warwick
W12/0780 – Land adjacent to 26 Fieldgate Lane, Kenilworth

74. MINUTES

The minutes of the meetings held on 22 May 2012, 12 June 2012, 3 July 2012 and 24 July 2012 were approved and signed by the Chairman as a correct record.

75. W12/0780 – LAND ADJACENT TO 26 FIELDGATE LANE, KENILWORTH

Councillor Illingworth handed the chair to the Vice Chairman of the Planning Committee, Councillor MacKay. Councillor Illingworth left the room as he had declared a personal and prejudicial interest.

The Committee considered an application from Bramfield Properties to construct a new three storey house on land adjacent to 26 Fieldgate Lane, Kenilworth.

The application was presented to the Committee because 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)
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)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Open Space (Supplementary Planning Document - June 2009)
National Planning Policy Framework

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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 not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located and would not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy.

An addendum was circulated at the meeting which informed the Committee that three further objections had been received with concerns relating to:

- unsafe access/on-street parking/highway safety concerns;
- the proposal was totally out of character, and this would spoil the environment. The house would fill the space available and together with its height would cause a dominating effect on the surrounding area;
- Quarry House was one of the most important properties with large mature gardens forming the basis of the character of the lane and the copy-cat style of the new house would take away the effect of the outstanding original property;
- the Conservation Area was there to preserve and enhance the area and should not be harmed by over-development. The new house would significantly alter the nature of this part of the Conservation Area for the worse;
- the potential harm to existing mature trees.

The Kenilworth Society and CAF sent in an objection relating to:

- not in keeping with the street scene, as it took its architectural elevation from one building whilst the others were bungalows;
- the tree root protection area of the T1 oak was breached.

In response to the issues surrounding the root protection area (RPA), the BS guidelines quoted above had been updated. The new regulations were BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

CH.4.6 of the 2012 regulations stated, for single stem trees, the RPA should be calculated as an area equivalent to a circle with a radius 12 times the stem diameter in accordance with Annexe D. Annexe D confirmed a single stem diameter of 1,250mm+ that the maximum nominal radius circle is 15 metres which equates to a maximum RPA of 707 metres squared. The drawings submitted showed the proposed house not located within a 15 metre radius of the T1 oak.

Mr Cain, speaking on behalf of CAF, addressed the Committee in opposition to the application. He was concerned that the car parking was inadequate and the proposal was not in keeping with the street scene. He disagreed that the oak tree would only live for another 20 years and stated that he believed it would last another 500 years. He explained his understanding of the regulations governing the protection of tree roots and what he thought was required. He was concerned that the proposals would not preserve or enhance the Conservation Area.

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Mr Davies, a local resident, addressed the Committee in opposition to the application. He was concerned about the number of developments that had already taken place and that the character of the Conservation Area was being eroded. He asserted that squeezing another house and garage within the grounds of number 26 was insensitive and unacceptable.

Mr Baily addressed the Committee in support of the application. He pointed out that the proposals had been drawn up after much liaison with planning officers. The first application had been refused on design grounds, for failing to respect the character of the Conservation Area. The second application had tried to address these with the use of reclaimed materials. The latest application had been submitted after considerable discussions with the Planning officers. The Council's Tree Protection Officer and their own arboricultural specialist had confirmed that no harm would come to the oak and other trees. A permeable surface would be used on the driveway to help trees. The proposed development was four metres away from number 26. Mr Baily pointed out that the applicant had carried out substantial works on number 26, which had previously been in a poor state of repair.

Councillor Coker spoke on behalf of the Town Council and in his role as Ward Councillor in opposition to the application. He was pleased that the Committee had made a site visit as they would have been able to see that there were a number of houses sitting within their own grounds. He asserted that if infill development was permitted, it would ruin the street scene. Whilst he stated that development had already happened at the back, he was concerned that if permission was granted at the front, a precedent would be set that would allow further front development. This could wreck the street scene and the whole look of the road would alter. He maintained that the officer's opinion that the street scene would not be ruined was subjective, and he held the opposing view. He asked the Committee to consider the application subjectively too. He asked the Committee to ensure the trees were protected by the means suggested by Mr Cain.

The Head of Development Services, Tracy Darke, assured the Committee that the Council's Tree Officer was of the opinion that the oak tree would last more than 20 years and with the right protection, would come to no harm. He was happy with the proposals that were before the Committee.

Councillor Mobbs informed the Committee that he had visited the road on his own and he felt that the setting of the Conservation Area should be respected. He was also struck by how much open space existed.

A motion to refuse the application was made.

The Committee was assured that condition nine in the case officer's report was there to prevent further development and there were sufficient safeguards in place to protect the trees.

Some Members felt that the new property proposed was inappropriate because of the way it impacted number 26, which was generally agreed to be a fine building. The special aspect of the road was the open space and the way the houses were spaced out. They did not agree with the case

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officer's opinion that the proposals did not appear to be cramped and they felt that the proposal would detract from the Conservation Area.

Other Members were concerned that subjective issues were being discussed and the application should be discussed on planning grounds.

The Head of Development Services advised the Committee that the case officer would have placed emphasis on the fact that an application fell within a Conservation Area and would consider whether it enhanced and preserved the area. She pointed out that the proposed building was to the side of number 26. She advised Members to consider how an Inspector would view a refusal as he would consider the whole of the Conservation Area.

Some Members agreed that the trees had been adequately protected by conditions set in the case officer's report. The impact on the Conservation Area was considerably off-set by the effect of the oak tree which would effectively mask the new building. It was accepted that the owner and the planning officers had held considerable discussions to find an acceptable solution to the reasons why the first two applications had been refused. It was also noted that the houses on the other side of the road were all built closer together. The proposed building had been designed to be compatible with the neighbouring housing. The Head of Development Services emphasised that the first two applications had been refused on design grounds. If the application was refused on this occasion, it too should be on the principal objection, namely on design grounds.

The motion to refuse the application was defeated.

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 with amended conditions in relation to tree protection and with an additional condition requiring details of the materials of the driveway.

RESOLVED that item W12/0780 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 in accordance with the details shown on the application form, site location plan and approved drawings 5033/20 dated 06/12; and 5033/21 dated 19/06/12, and specification contained therein, except as required by conditions 3 to 8 below. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance

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- with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development hereby permitted shall take place unless and until details of all external facing materials and the materials to be used for the driveway have been submitted to and approved by the District Planning Authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) no development hereby permitted shall commence unless and until schemes and appropriate details have been submitted and approved in writing by the district planning authority to provide for:- the provision of and / or improvement of and / or maintenance of public open space within the catchment area of the site in accordance with Policy SC13 of the Warwick District Local Plan 1996 - 2011. The scheme shall be implemented in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted. **REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 - 2011;
- (5) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the district planning authority. Details of hard landscaping works shall include boundary treatments, 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 within the site. The hard landscaping works shall be completed in full accordance with the approved details prior to the first occupation of the dwelling house 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 district planning authority seriously damaged, defective or diseased shall be

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replaced in the next planting season with another of similar size and species, unless the district planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

- REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1, DP11 and DAP8 of the Warwick District Local Plan 1996-2011;
- (6) notwithstanding details within supporting documentation, a method statement illustrating no-dig construction details (such as a three-dimensional load spreading system) shall be submitted to and approved in writing by the district planning authority for the proposed section of driveway located within the root protection area of the Oak tree (T1) and the proposed section of timber decking within the root protection area of the Cedar Tree (TPO 63/T177). Details shall be carried out as approved. **REASON:** To protect and enhance the amenities of the area and the health and vitality of the adjacent Oak and Cedar trees, to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (7) the development shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the district planning authority. The 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; and 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. **REASON:** In the interest of road safety and amenity in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (8) no development or other operations (including site clearance or other preparatory works) shall be commenced until adequate steps, which shall have been previously approved in writing by the district planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with

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Clause 7 of British Standard BS5837- 2012 (Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) whose root structure may extend within the site and which are within the Warwick District Council Kenilworth Conservation Area. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within the tree protection zones as shown on drawing no. 5033/21; 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 be 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;

- (9) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Part 1, Class A of Schedule 2 of this Order. **REASON:** To retain control over future development of the property in the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (10) the vehicular access to the curtilage of the dwelling shall not be used until visibility splays have been provided to the public highway carriageway with an 'x' distance of 2.4 metres and 'y' distance extending to the limits of the site boundary in a southerly direction. 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;
- (11) any gates/barriers erected at the entrance to

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- the site for cars shall not be hung so as to open to within 7.5 metres of 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 1996-2011;
- (12) 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 car parking area shall be kept free of obstruction and be available for car parking at all times thereafter. **REASON:** To ensure that adequate parking facilities are provided and retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011; and
- (13) 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. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

Councillor Illingworth rejoined the meeting and returned to chairing the meeting.

76. W12/0771 – 15 SMYTHE GROVE, WOODLOES PARK, WARWICK

The Committee considered an application from Dr Tahir Malik for the conversion of the existing garage to a habitable room with the insertion of a bay window and porch extension. Also the erection of a single storey rear extension.

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

The case officer considered the following policies to be relevant:

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

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

Vehicle Parking Standards (Supplementary Planning Document)

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Residential Design Guide (Supplementary Planning Guidance - April 2008)
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)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents or highway safety.

An addendum was circulated at the meeting which informed the Committee that one further neighbour response had been received from 6 Smythe Grove objecting to the bay window which would be discordant with adjacent properties. They would also object to the creation of a parking area occupying the front curtilage. They had no objection to the rear extension.

The Highways Authority had also responded to two revised parking layouts submitted by the applicant. It raised objection on the grounds that both layouts showed spaces extending to the edge of the carriageway. A two metre gap between this edge and the rear of any parked cars should be provided in order to afford visibility for adjacent properties when they were manoeuvring vehicles from their driveways. In addition, parked vehicles might obscure drivers from seeing a child waiting to cross the road or a pushchair which could lead to an accident.

Miss Kinga, who had registered to speak in support of the application, did not attend the meeting.

Mr Cleal addressed the Committee to oppose the application. It was his opinion that the bay window was unnecessary, especially as the neighbouring properties along the road all had flat windows. He felt that it would change the look of the road. He was unclear how people would be able to use the parking as there was not a lot of room to manoeuvre. He was concerned that the flower bed would be removed and wondered where the drainage would be provided. He asserted that 66% of the residents in the grove objected to the proposals.

Members were pleased to note that the proposals for the extension had been withdrawn. There were concerns that comments made by Highways had been ignored. Also Members were unsure how the late amendments made to the proposals affected the comments made by Highways and what the latest view from Highways was in light of the amended plans. It was also noted that the drawings were not that accurate.

The Head of Development Services confirmed that in respect of the bay window, the reduction in depth was one metre from the previous plans. She felt that the car parking space was generous and could adequately accommodate two spaces. The request by Highways for a two metre set-back was unusual and quite an onerous demand that planning officers believed could not be supported. As the building was at the end of the row of housing, it did not impact the street scene.

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Members who had visited the site were surprised that as the extension was minimal, it had not fallen under permitted development. However there was concern that it could affect the street scene as the site was at the entrance to the cul-de-sac. It would be a matter of some regret if the greenery were removed.

The Head of Development Services confirmed that the proposals did need planning permission as the site was so close to the highway. It would be possible to consider a condition to retain the landscaping, but it would be difficult to retain this if the applicant applied to remove the condition. A consideration was that the applicant had the right to hard surface up to five metres of the property. The applicant had indicated that there was no intention to hard surface, so it was reasonable to put a note to the applicant to retain the landscaping.

Members felt that the parking issue and keeping two metres clear could not be enforced as there was not a pavement to the front of the property. It was remarked that the neighbour parked large vehicles to the kerbside. The condition did not apply to the neighbour, therefore it was unfair to apply it to the applicant. Members also noted that the main objection, namely the extension, had been removed. The key issue was whether the two car parking spaces could be accommodated.

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 report as amended by the late submission of revised plans, and an additional informative requesting retention of existing landscaping to the front of the property.

RESOLVED that item W12/0771 be GRANTED as amended by the late submission of revised plans 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) (Ground floor plan; North elevation plan; South elevation plan; West elevation plan; East elevation plan) and specification contained therein, submitted on 13 August 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; and
- (3) the areas indicated on the approved drawings for vehicular manoeuvring space and parking

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shall at all times be kept free of obstruction and be available for those purposes.

REASON: In the interests of highway safety, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

77. W12/0626 – MAPLE LODGE, OLD BUDBROOKE ROAD, BUDBROOKE, WARWICK

The Committee considered an application from Mr R Thwaites for an extension to the house to create a separate dining room and a separate downstairs WC.

The application was presented to the Committee because an objection had been received from Budbrooke 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)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework

It was the case officer's opinion that 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 / rural 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 recommendations.

RESOLVED that item W12/0626 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawings 644.03, 644.04, 644.05 and specification contained

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therein, submitted on 30/05/2012. **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.

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

The Committee considered an application from Gidney Holdings Limited for the change of use for the first and second floors from office use to nine residential flats, the alteration to windows on the first and second floors, the construction of a wall and gate across a vehicular access, and the construction of a garage and a three bay carport.

This application was presented to the Committee because the deadline for the completion of a Section 106 legal agreement had expired and because Councillor Illingworth had requested that it be presented to 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)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)

It was the case officer's opinion that unforeseen circumstances had caused the applicant's failure to meet the deadline. The scheme granted on 22 May 2012 remained unaltered and in accordance with the policies listed. The applicant had requested an extension of time to complete the Section 106 legal agreement to the 31 August 2012 and it was felt that this would allow sufficient time to complete the required legal agreement. However, it was also recommended that failure to sign the legal agreement before 31 August 2012 would result in the application being refused under delegated

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powers due to the potential increase in demand for existing on-street permit parking spaces to the detriment of existing permit holders in the locality.

Following consideration of the report and presentation, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendations subject to a Section 106 legal agreement being completed by 31 August 2012. If this was not completed within the agreed time, the Committee gave delegated authority to officers to refuse the application. It was mindful that the officers should have sufficient flexibility to apply pressure to ensure that the Section 106 legal agreement was completed, and therefore changed the wording slightly by one word, an "or" to an "and", in the officer's recommendation in the report.

RESOLVED that item W12/0358 be GRANTED subject to a Section 106 legal agreement being completed by 31 August 2012 and delegated authority be given to refuse the application if the legal agreement has not been signed after this time.

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 in accordance with the details shown on the application form, site location plan and approved drawings No.1816-16; 1816-10 Rev N; 1816-11 Rev D; 1816-13 Rev K; 1816-14 Rev B; 1816-15 Rev D, and specification contained therein, except as required by condition No.3 below and 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) the development hereby permitted shall not commence unless and until details of all new external facing materials and window/door frames and access gate colours have been submitted to and approved in writing by the District Planning Authority. Development shall be carried out in strict accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be

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- 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;
- (5) the proposed car parking, manoeuvring and access areas for the development hereby permitted shall be laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan No.1816-10 Revision N and these areas shall be kept available for use thereafter. **REASON:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (6) the cycle provision shown on the approved plan 1816-10 revision N shall be completed before residential development is first occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON:** To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011; and
- (7) the residential apartments hereby permitted shall not be occupied until the bin store has been constructed in full accordance with the details shown on approved drawing no. 1816-10 revision N and 1816-13 revision K. **REASON:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

79. W12/0520 – 1 GUYS CLIFFE ROAD, ROYAL LEAMINGTON SPA

The Committee considered an application from Aveley Homes Limited for the erection of two new houses.

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

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Open Space (Supplementary Planning Document - June 2009)
National Planning Policy Framework
Residential Design Guide (Supplementary Planning Guidance - April 2008)

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 informed the Committee that a letter with a further supporting statement had been received from the agent. The agent stated that "the houses are staggered to form a building line relating to the existing buildings on either side ...the heights of the houses step up naturally towards the adjoining building to the southern side of the site and the height of the property adjoining no. 9 Cross Road is reduced below its eaves level to allow the existing property to read clearly in its existing form within the street scene."

Following consideration of the report and presentation, along with 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.

RESOLVED that item W12/0520 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
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PLANNING COMMITTEE MINUTES (Continued)

- 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 1373/01D; 1373/06B; 1373/07B; 1373/09A; 1373/10; 1373/11; 1373/13A; 1373/14A and 1373/100L and specification contained therein, submitted on 25 July 2012 and 30 July 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) the development hereby permitted shall not commence until space has been provided within the site for the parking/loading/unloading of vehicles in accordance with the details first submitted to and approved in writing by the Local Planning Authority. **REASON:** To ensure that adequate space is available within the site for vehicle manoeuvres and in the interest of highway safety in accordance with Policy DP6 in the Warwick District Local Plan 1996-2011;
- (4) a landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not be occupied unless the vehicular access to the rear parking area is available at all times. **REASON:** To ensure that adequate parking facilities are available for the development and to satisfy Policy DP6 in the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not commence until a turning area has been provided within the site so as to enable the largest vehicle anticipated on site to leave and

PLANNING COMMITTEE MINUTES (Continued)

re-enter the public highway in a forward gear.

REASON: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (7) all window and door frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (8) all rainwater goods for the development hereby permitted shall be metal. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011; and
- (9) the railings hereby permitted shall be metal and painted black and retained as such at all times thereafter. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

80. W12/0716 – FERNHILL FARM, ROUNCIL LANE, KENILWORTH

Councillor Illingworth handed the chair to the Vice Chairman of the Planning Committee, Councillor MacKay. Councillor Illingworth left the room as he had declared a personal and prejudicial interest.

Councillors Mrs Bunker and Mobbs sought advice from the Council's solicitor, and then both declared personal and prejudicial interests and left the room.

The Committee considered an application from Mr and Mrs Alan Cockburn for a proposed refurbishment of unused storage buildings to form two holiday let units.

The application was presented to the Committee because the applicant was a Warwickshire Council Councillor.

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)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

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

RAP16 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)

RAP9 - Farm Diversification (Warwick District Local Plan 1996 - 2011)

National Planning Policy Framework

Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the case officer's opinion that 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. It was considered that no increased hazard to highway users would result from the development.

An addendum was circulated at the meeting which informed the Committee that following legal advice, officers were recommending a minor variation to condition three to delete reference to requiring prior permission of the District Planning Authority and a re-wording of condition four.

Following consideration of the report and presentation, along with 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.

RESOLVED that item W12/0716 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 5046/03, and specification contained therein, submitted on 02/07/12. **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 Parts 1 and 2 of Schedule 2 of this Order. **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

PLANNING COMMITTEE MINUTES (Continued)

- 1996-2011; and
- (4) the development hereby permitted shall be used as a holiday let only and not as a person's sole or main place of residence. The owner(s) shall maintain a register of the names and home addresses of all occupiers of the holiday let including the dates that they occupied the property and shall make this information available to the Local Planning Authority on request. **REASON:** Since an unrestricted use would be contrary to Policy RAP16 of the Warwick District Local Plan 1996-2011.

Councillor Illingworth rejoined the meeting and returned to chairing the meeting. Councillors Mrs Bunker and Mobbs also returned.

81. **ENF 150/18/10 – LAND AT BROOK FURLONG FARM, BACK LANE, ROWINGTON, WARWICK**

The Committee considered a report concerning a property belonging to a Mr Robert Smith. The enforcement matter was presented to the Planning Committee to request that enforcement action be authorised in respect of the unauthorised use of land at the site for the storage of hardcore material which had continued since September 2010.

The case officer considered the following policies to be relevant:

DP1:	Warwick District Local Plan 1996 - 2011-	Layout and Design
DP6:	Warwick District Local Plan 1996 - 2011-	Access
DAP4:	Warwick District Local Plan 1996 - 2011-	Protection of Listed Buildings

National Planning Policy Framework.

It was the case officer's opinion that in view of the longstanding absence of the voluntary resolution of the unauthorised use, it was considered that the service of an Enforcement Notice was required in order to remedy the situation.

RESOLVED that ENF 150-18-10 be AUTHORISED to remove the stored material and cease the unauthorised use with a compliance period of 28 days.

(The meeting ended at 7.50 pm)