

# **PLANNING COMMITTEE**

Minutes of the meeting held on Tuesday 4 February 2014 in the Town Hall, Royal Leamington Spa at 6.00 pm.

**PRESENT:** Councillor Rhead (Chairman); Councillors Boad, Brookes, Mrs Bunker, De-Lara-Bond, Doody, MacKay, Weber, Wilkinson and Williams.

There were no apologies.

145. **SUBSTITUTES**

There were no substitutes.

146. **DECLARATIONS OF INTEREST**

Minute Number 149 – Agenda Item 11 – Regent Court, Livery Street, Royal Leamington Spa

Councillor Weber declared an interest because the application site was located in his Ward and because he had attended a meeting with residents, officers and developers.

Minute Number 151 – Agenda Item 6 – W13/1682 – Garages, 1-40 Bourton Drive, Whitnash

The Committee as a whole declared an interest because the application site was owned by Warwick District Council.

147. **SITE VISITS**

No site visits were undertaken prior to this meeting.

148. **MINUTES**

The minutes of the meetings held on 26 November 2013 and 14 January 2014 were agreed and signed by the Chairman as a correct record.

149. **W13/1578 – REGENT COURT, LIVERY STREET, ROYAL LEAMINGTON SPA**

The Committee considered a major application from New River Retail for change of use of ground floor retail units (Use Class A1) to cafes / restaurants (Use Class A3) (known as units SU1C, SU2A, SU3A, SU3B, SU4, SU5, SU6, SU7A, SU7B, SU8, SU12); shop front alterations; public realm works; and alterations to highway land at the Regent Street entrance.

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

The officer considered the following policies to be relevant:

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

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)  
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
TCP13 - Design of Shopfronts (Warwick District Local Plan 1996 - 2011)  
Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).  
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)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
TCP5 - Secondary Retail Areas (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)  
Vehicle Parking Standards (Supplementary Planning Document)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
National Planning Policy Framework

It was the officer's opinion that the proposals would result in the positive enhancement of the vitality and viability of the town centre relative to the current scenario, particularly in respect of Regent Court, and would be of benefit to the character and appearance of the Conservation Area and to the setting of adjacent Listed Buildings. The proposals were considered to be acceptable in terms of the living conditions of nearby dwellings and were not considered to be likely to have a material impact in relation to crime and anti-social behaviour. Therefore, it was recommended that the application be approved.

An addendum circulated at the meeting informed the Committee of further comments received following publication of the agenda. It also clarified why a renewals condition had been recommended for the proposal and contained a revision to suggested condition 6 to cover external dining facilities.

Mr Barnwell addressed the Committee in objection to the application and also put forward the objections of a residents committee. Mr Writon spoke in support of the application.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, it was proposed and seconded that the application be granted in accordance with the officer's recommendations. This motion was lost, with 3 votes in favour and 5 against.

A second proposal, to grant the application in accordance with the officer's recommendations, including the revision to condition 6 detailed in the addendum and with an amendment to condition 11 requiring that canopies had enclosed sides, was carried. The Committee also resolved that any applications for external seating and eating should be presented to this Committee.

## PLANNING COMMITTEE MINUTES (Continued)

**RESOLVED** that W13/1578 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 301B, 302A, 303A, 304B, 307A & 309A, and specification contained therein, submitted on 17 January 2014. **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) the development hereby permitted shall be carried out only in full accordance with sample details of the facing and surfacing materials which shall have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011;
- (4) no development shall be carried out on the site which is the subject of this permission until further details of the box planters, tree pots, litter bins, public art, canopies and seating have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (5) no customers shall be permitted to be on the premises other than between 0730 and 2330 hours on any day. **REASON:** To ensure that the premises are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (6) no external seating shall be provided in association with any of the restaurants hereby permitted. **REASON:** To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;
- (7) no deliveries, waste collections or other noisy activities likely to cause nuisance to nearby residents shall take place before 0700 hours or after 2130 hours on Monday to Saturday or before 0900 hours or after 1800 hours on Sundays. **REASON:** To ensure that noisy activities do not take place at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (8) noise arising from any plant or equipment, when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). 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 amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (9) no restaurant / cafe hereby permitted shall be occupied unless:
- (a) a noise assessment has been undertaken to assess the impact of noise arising from any plant, fume extraction, air conditioning or refrigeration equipment that is required to serve that unit;
  - (b) a noise assessment has been undertaken to assess the suitability of the existing sound insulation in the ceiling of that unit to ensure that internal noise levels within adjoining or nearby residential premises comply with the criteria outlined in BS8233:1999 and World Health Organisation guidelines;
  - (c) the results of the noise assessments carried out to comply with criteria (a) and (b),

## PLANNING COMMITTEE MINUTES (Continued)

together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and

(d) any necessary mitigation measures approved under (c) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

**REASON:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(10) no restaurant / cafe hereby permitted shall be occupied unless:

(a) an odour assessment has been undertaken to assess the impact of odour arising from cooking and any proposed fume extraction system that is required to serve that unit;

(b) the results of the odour assessments carried out to comply with criterion (a), together with details of any necessary mitigation measures, have been submitted to and approved in writing by the local planning authority; and

(c) any necessary mitigation measures approved under (b) have been implemented in full accordance with the approved details.

The mitigation measures shall be retained at all times thereafter and shall not be removed or altered in any way without the prior written approval of the local planning authority.

**REASON:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance to the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(11) no restaurant / cafe hereby permitted shall be occupied unless:

(a) details of an acoustically absorbent canopy have been submitted to and approved in

## PLANNING COMMITTEE MINUTES (Continued)

writing by the local planning authority; and  
(b) the canopy approved under (a) has been installed in strict accordance with the approved details.

The canopy shall have enclosed sides and be retained and maintained in accordance with the approved details at all times that the premises are used as a restaurant / cafe.

**REASON:** To protect the living conditions of nearby dwellings, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan;

- (12) none of the restaurants / cafes hereby permitted shall be occupied unless and until an Operational Management Plan addressing noise, manned security, CCTV, drainage and the management of external dining furniture has been submitted to and approved in writing by the local planning authority. All of the restaurants / cafes hereby permitted shall be operated in strict accordance with this Plan.

**REASON:** To protect the living conditions of neighbouring dwellings and to prevent crime and anti-social behaviour, in accordance with Policies DP2, DP9 and DP14 of the Warwick District Local Plan;

- (13) no restaurant / cafe hereby permitted shall be occupied unless:

(a) details of a refuse storage area for that unit have been submitted to and approved in writing by the local planning authority; and  
(b) the refuse storage area approved under (a) has been constructed and laid out in strict accordance with the approved details.

The refuse storage area shall thereafter be kept free of obstruction and be available at all times for the storage of refuse associated with the development.

**REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

- (14) no more than two of the restaurant / cafes hereby permitted shall be occupied unless:

## PLANNING COMMITTEE MINUTES (Continued)

- (a) a CCTV scheme for Livery Street has been submitted to and approved in writing by the local planning authority; and
- (b) the CCTV scheme approved under (a) has been implemented in strict accordance with the approved details.

**REASON:** In the interests of reducing crime and anti-social behaviour, in accordance with Policy DP14 of the Warwick District Local Plan 1996-2011;

- (15) no restaurant / cafe hereby permitted shall be occupied unless:

- (a) a scheme showing how 10% of the predicted energy requirement of that unit 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; and
- (b) all the works within the scheme approved under (a) have been completed.

Thereafter the works shall be retained at all times 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; and

- (16) no lighting or illumination of any part of any buildings 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 any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

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

(Councillor De-Lara-Bond joined the meeting during the course of this item, but was not present for the officer's presentation or public representations and therefore did not take part in the debate or voting on this item.)

### **150. W13/1781 – WARWICK CASTLE, CASTLE HILL, WARWICK**

The Committee considered an application from Merlin Attractions Operations Ltd for the proposed use of land as a temporary medieval glamorous camping site for approximately 5 months between 17th May and 1st September at Foxes Study, Warwick Castle.

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

The 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)

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

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

National Planning Policy Framework

DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)

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

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

DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

It was the officer's opinion that the proposals would preserve and respect the historic landscape and character of the area. The camp site would encourage visitors to explore further into the designed landscape, which it could be argued would increase public appreciation and thus the value of the site. Evidence from a similar event that took place in 2013 showed that 30% of visitors staying in the tents used restaurants in the town centre, creating economic benefits for the wider local area. The economic implications of the proposal were considered to add further significant weight to the case for approval. Subject to the recommended conditions, the proposals would comply with Policies DP2 and DP9, which sought to protect the amenities of adjoining occupiers, and prevent unacceptable noise pollution. The application was considered to comply with the policies listed.

An addendum circulated at the meeting advised the Committee that the applicant had requested the period applied for to be extended by one week to 9 September 2014, with restoration of the site to take place before 9 October, which reflected the additional costs associated with the de-compaction process requested by the Council. It also stated that a plan had been provided showing the location of the generator and fuel store, which was to the satisfaction of the Tree Preservation Order Officer and therefore suggested that Condition 4 was no longer required.



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

A Noise Management Plan and General Noise Policy had also been submitted to the Environmental Health Officer, who was content with the proposals and so suggested condition 3 had been amended.

The addendum stated that a letter of support from Shakespeare's England and a consultation response from the Warwickshire Gardens Trust had been received.

Following consideration of the report, presentation and addendum, the Committee resolved that the application be granted in accordance with the officer's recommendations, as per the revisions set out in the addendum, making it clear that this was a temporary permission for one year only, to be reviewed by all parties thereafter.

**RESOLVED** that W13/1781 be GRANTED subject to the following conditions:

- (1) the use hereby permitted shall be discontinued on or before 9th September 2014 and the site restored to its former condition on or before 9th October 2014 by the infilling of excavated trenches and soakaways, and decompaction of the pitches using 'Terralift' methodology followed by reseeded using an indigenous grass seed mix. A copy of the Terralift completion certificate produced by the decompaction company shall be submitted to the local planning authority by 2nd December 2014. **REASON:** In order that the local planning authority have the opportunity of reviewing the impact of this development on the amenities of occupants of other properties in the vicinity in the light of experience of its operation in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011, and to protect existing trees in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (1, 2, 3, 5, 6, Tent Specifications) and specification contained therein, submitted on 20 December 2013. **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 noise management plan submitted on 28 January 2014 shall be complied with in full at all times following the commencement of the development hereby permitted. **REASON:** To

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

minimise noisy activities in the interests of protecting the amenities of surrounding residential uses, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011.

### **151. W13/1682 – GARAGES, 1-40 BOURTON DRIVE, WHITNASH**

The Committee considered an application from Ms J Crowther for the demolition of garages and construction of 5 new dwellings (3 no. 2 storey houses and 2 no. bungalows) with associated access, parking and landscaping.

The application was presented to the Committee because the garage court was owned by Warwick District Council.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)  
Open Space (Supplementary Planning Document - June 2009)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Vehicle Parking Standards (Supplementary Planning Document)  
National Planning Policy Framework

An addendum circulated at the meeting advised the Committee of the contents of two letters of representation received by the Council following publication of the agenda.

It was the officer's opinion that the proposed development was of an acceptable layout and design, which respected surrounding buildings in terms of scale, height, form and massing and would not adversely affect the amenity of nearby residents or highway safety. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, the Committee resolved that the application be granted.

## PLANNING COMMITTEE MINUTES (Continued)

**RESOLVED** that W13/1682 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 5217/03 B, 5217/04 and specification contained therein, submitted on 02/12/13 and 08/01/14. **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) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
  - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
  - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

**REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on 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

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (5) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety;
- (6) the development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;
- (7) 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 dwellinghouses 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.

## PLANNING COMMITTEE MINUTES (Continued)

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 ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (8) notwithstanding approved plan No.5217/04 no development shall commence unless and until details for chimneys have been submitted to an approved in writing by the Local Planning Authority. Development shall be carried out in full accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (9) the development shall be carried out only in full accordance with sample details of the elevational and roofing materials, which have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (10) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no windows or openings, including dormer windows and/or roof lights shall be formed in the north facing roof slope of Plot 1 or the south or west elevation/roof slope of Plot 5 hereby approved without the written approval of the local planning authority and if any additional windows are subsequently

## PLANNING COMMITTEE MINUTES (Continued)

approved they shall only be glazed or re-glazed in accordance with such approved details and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (11) 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) the bathroom and living room window(s) to be formed in the north facing elevation of the bungalow identified as Plot 1 hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;
- (12) notwithstanding the approved plan Drg No.5217/03 B the close boarded fence located to the northern boundary and adjacent to Plot 1 shall be 2m high. **REASON:** In the interests of the amenities and privacy of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011; and
- (13) the development shall not be occupied unless and until the car parking, associated manoeuvring areas and bin store indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011.

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

### **152. W04/2251 – SOUTH WEST WARWICK DEVELOPMENT, LAND ADJACENT NARROW HALL MEADOW, WARWICK**

The Committee considered an application from Taylor Woodrow Developments Ltd for the variation of a Section 106 Agreement relating to construction of a 'local centre'.

The application was presented to the Committee because it was recommended that an existing legal agreement relating to the approved application be varied.

The officer considered the following policies to be relevant:

SC14 – Community Facilities (Warwick District Local Plan 1996 - 2011)  
National Planning Policy Framework

It was the officer's opinion that the proposed change to the Section 106 Agreement was acceptable and that this approach would comply with the requirements of the NPPF paragraph 205.

The Legal Officer informed the Committee that Planning Officers had clarified how figures for maintenance had been arrived at.

Following consideration of the report and presentation, the Committee resolved that the application to vary the Section 106 Agreement be approved.

**RESOLVED** to vary the Section 106 agreement in respect of W04/2251 to allow the community centre maintenance sum of £97,739 to be used for the construction of the community centre.

### **153. W13/1745 – CHAPEL HAVEN, NARROW LANE, LOWSONFORD, SOLIHULL**

The Committee considered a partly retrospective application from Mr & Mrs Carlile for works to repair and stabilise the brook bank (following erosion caused by flooding) and to protect the bank and property from future erosion when the brook is in flood.

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

The officer considered the following policies to be relevant:

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)

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

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

National Planning Policy Framework (NPPF)

It was the officer's opinion that the development would not adversely impact on flood risk, harm the visual amenity of the area, the amenities of

## PLANNING COMMITTEE MINUTES (Continued)

neighbouring properties, or result in unacceptable ecological harm. The development was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, the Committee resolved that the application be granted in accordance with the officer's recommendations.

**RESOLVED** that W13/1745 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan, approved drawings and documents (4290-50, 4290-142-A, 4290-51 Rev. B, Flood Risk Assessment for Haskers Architects Ltd 'Bank Stabilisation Works at Chapel Haven, Lowsonford' Ref: FRA/0001 Job Number 71655-00), and specification contained therein, submitted on 13 December 2013. **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;
- (2) within three calendar months from the date of this permission, a habitat and biodiversity improvement scheme shall be submitted to and approved in writing by the Local Planning Authority and such scheme shall then be implemented in its entirety within two calendar months of such approval, and be retained as such at all times. The scheme shall include measures to improve the habitat and biodiversity of the Fox Brook, in accordance with the Environment Agency letter dated 17 January 2014. **REASON:** To compensate for the harm caused to the habitat and biodiversity of the Local Wildlife Site and Ecosite, in accordance with Warwick District Local Plan Policies DP3 and DAP3 and the National Planning Policy Framework; and
- (3) within four calendar months from the date of this permission, the following works shall both be implemented:
  1. A total of 14 cubic metres of soil will be removed and relocated as a bund at the locations and levels specified on Hasker Architects Drawing 4920-50, 'Soil Removal Plan', Dated: 10/2013, to compensate against the loss of flood storage as a result of the erosion protection works/ gabions.



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

2. An area of 18 square metres will be excavated to an average bank depth of 0.31m at the location and levels specified on Hasker Architects Drawing 4920-51 Rev B, 'Compensatory Measures for installation of gabions', Dated: 10/2013, which will provide an excavation volume of approximately 5.58 cubic metres.

**REASON:** To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants, in accordance with the National Planning Policy Framework.

### 154. **W13/1744 – THE WILLOWS, THE CUMSEY, PINLEY GREEN, WARWICK**

The Committee considered an application from Mr L Dalton for widening of the existing access, and replacement and relocation of existing entrance gates.

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

The officer considered the following policies to be relevant:

DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
National Planning Policy Framework

It was the officer's opinion that the proposal would not harm highway safety or the visual amenity of the surrounding area, and would comply with the policies listed.

Following consideration of the report and presentation, the Committee resolved that the application be granted in accordance with the officer's recommendations.

**RESOLVED** that W13/1744 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be

## PLANNING COMMITTEE MINUTES (Continued)

carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (13-07/PA/02), and specification contained therein, submitted on 13 December 2013. **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 existing access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with Warwick District Local Plan Policy DP6;
- (4) the access to the site shall not be widened in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interests of highway safety, in accordance with Warwick District Local Plan Policy DP6; and
- (5) gates erected at the entrance to the site for vehicles 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 Warwick District Local Plan Policy DP6.

(The meeting ended at 7.25 pm)