

Planning Committee

Minutes of the meeting held on Tuesday 28 February 2017 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, Day, Edgington, Heath, Mrs Hill, Naimo, Mrs Stevens and Weed.

Also Present: Senior Committee Services Officer – Mrs Barnes; SDC Legal Advisor – Mr Parsons; WCC Legal Advisor – Mrs Gutteridge; Head of Development Services – Mrs Darke; Development Services Manager – Mr Fisher.

137. Apologies and Substitutes

- (a) There were no apologies; and
- (b) Councillor Edgington substituted for Councillor Morris.

138. Declarations of Interest

Minute Numbers 141 & 142 – W/16/2243 & W/16/2244/LB – Shire Hall, Northgate Street, Warwick

Councillor Ashford declared an interest because he had been a Member of the Licensing & Regulatory Panel when the licensing application for the above premises was considered.

Councillor Edgington declared a prejudicial interest because he was a member of Warwick Town Council's Planning Committee and he left the room whilst the item was discussed.

During the course of the meeting, Councillor Boad declared an interest because his wife was a Warwickshire County Councillor.

Minute Number 147 – W/16/2122 – Narrow Hall Meadow, Warwick

Councillor Edgington declared a prejudicial interest because he was a member of Warwick Town Council's Planning Committee and he left the room whilst the item was discussed.

Minute Number 148 – W/16/2194 – 37 Sherbourne Place, Clarendon Street, Royal Leamington Spa

Councillor Weed declared an interest because one of the objectors was known to her. However, she had had no contact with the individual.

Minute Number 150 – W/17/0071 – 13 Spring Lane, Kenilworth

Councillor Mrs Hill declared an interest because the application site was in her Ward.

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139. Site Visits

To assist with decision making, Councillors Ashford, Boad, Mrs Bunker, Cooke, Heath, Mrs Hill, Mrs Stevens and Weed had visited the following application sites on Saturday 25 February 2017:

W/16/2310 – 24 Ashford Gardens, Whitnash

W/16/2291 – Hampton View, Henley Road, Hampton-on-the-Hill

140. Minutes

The minutes of the meeting held on 31 January 2017 were taken as read and signed by the Chairman as a correct record subject to an amendment to remove the reference to the Chairman's casting vote from minute number 130 and add it to minute number 129.

141. W/16/2243 – Shire Hall, Northgate Street, Warwick

The Committee considered an application from Warwickshire County Council for proposed internal and external works to facilitate the use of the buildings as an events venue, including: external alterations, installation of gates, disabled access ramp and internal alterations consisting of the installation of additional toilets, acoustic improvements and associated fire risk assessment works.

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

The application was considered in conjunction with Minute Number 142, W/16/2244/LB which related to the Listed Building permissions to the premises.

The officer was of the opinion that the proposal to utilise Old Shire Hall would secure a viable future for the building and, as amended, would not be harmful to the integrity of the listed building. The amenities of surrounding users would not be harmed as a result of the proposal, which adopted appropriate mitigation measures. Additional car parking could be accommodated within the wider area and was acceptable, subject to an updated travel plan, which could be secured by condition. Furthermore, the proposal would also bring investment into Warwick town centre and the application was therefore recommended for approval.

An addendum circulated at the meeting highlighted concerns raised by an occupant of a residential property facing the site and advised that the resident had also conducted their own noise survey. The applicant had also reiterated that the premise would be appropriately and sensitively managed.

In addition, clarification was provided relating to the travel plan which would be refreshed to provide further information about cycling provision and shuttle bus drop off arrangements.

The following people addressed the Committee:

- Councillor Holland, Warwick Town Council, supporting;

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- Mr Jobburn, local resident, objecting;
- Mr Smith, representative of the applicant, Warwickshire County Council; and
- Mrs Butcher, Warwick Chamber of Trade, supporting.

Following consideration of the report, presentation, information in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Weed that the application should be granted. Permission was granted subject to additional wording being added to Condition 6 to include reference to the servicing of the building. The final wording would be delegated to officers in consultation with the Chairman.

The Committee therefore

Resolved that W/16/2243 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 drawings 5151209.07, 5151209.08, 5151209.09, 5151209.13 submitted on 7 December 2016, 5151209.02 (A) submitted on 7th February 2017, 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) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 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

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large scale details of the proposed internal doors, secondary glazing and the exterior gates at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to check all suitable features in the roof of the building and associated structures to be affected immediately prior to works commencing. All roofing material is to be subsequently removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted 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.

In order to discharge the condition above a brief report from the bat worker must be submitted to and approved by the local Planning Authority (with advice from WCC Ecological Services); and

- (6) within 3 months of the date of planning consent, an addendum to the submitted Travel Plan shall be submitted to address the issues of vehicle access and bicycle storage associated with the development, which will require to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. **Reason:** In the interests of highway safety and the free flow of traffic in

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accordance with Policies DP6 and DP8 of the Warwick District Local Plan 1996-2011.

NB – Officers will agree additional wording, in consultation with the Chairman, which will be added to this condition to include reference to the servicing of the building.

142. W/16/2244/LB – Shire Hall, Northgate Street, Warwick

The Committee considered an application from Warwickshire County Council for proposed internal and external works to facilitate the use of the buildings as an events venue, including: external alterations, installation of gates, disabled access ramp and internal alterations consisting of the installation of additional toilets, acoustic improvements and associated fire risk assessment works.

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

The application was considered in conjunction with Minute Number 141, W/16/2243 which related to the planning permissions to the premises.

The officer was of the opinion that the proposal to utilise Old Shire Hall would secure a viable future for the building and as amended, would not be harmful to the integrity of the listed building. There would be no harm caused to items of archaeological importance, subject to a suitable programme of archaeological works which could be secured by condition.

Furthermore, the proposal would also bring investment into Warwick town centre and the application should therefore be approved.

An addendum circulated at the meeting highlighted concerns raised by an occupant of a residential property facing the site and advised that the resident had also conducted their own noise survey. The applicant had also reiterated that the premise would be appropriately and sensitively managed.

In addition, clarification was provided relating to the travel plan which would be refreshed to provide further information about cycling provision and shuttle bus drop off arrangements.

Following consideration of the report, presentation, information in the addendum and the representations made at the meeting, it was proposed by Councillor Mrs Bunker and seconded by Councillor Day that the application should be granted.

The Committee therefore

Resolved that W/16/2244/LB be **granted** subject to the following conditions:

- (1) the works hereby permitted shall begin not later than three years from the date of this
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consent. **Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 drawings 5151209.03, 5151209.04, 5151209.05, 5151209.06, 5151209.07, 5151209.08, 5151209.09, 5151209.13, 1648/M/01, 1648/M/51, 1648/M/50 Rev A, 1648/M/52 Rev A, 1648/E/100 and 1648/M/10 Rev A submitted on 7 December 2016, 5151209.02 (A) submitted on 7th February 2017, and 5151209.01 A submitted on 16th February 2017 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) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **Reason:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected where applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011; and
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of the proposed internal doors, secondary glazing and the exterior gates at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

The Head of Development Services arrived at the conclusion of this item.

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143. **W/16/1511 – Elmhurst, Honiley Road, Beausale**

The Committee considered an application from Mr Bird for the erection of two, single storey side extensions, a two storey rear extension and external alterations.

The application was presented to Committee because support had been received from Beausale, Haseley, Honiley and Wroxall Parish Council and the officers' recommendation was to refuse permission.

The officer was of the opinion that the proposals would constitute a 69.3% addition to the house as originally built and was therefore considered to result in disproportionate additions which were inappropriate within the Green Belt, harmful by definition and by reason of harm to openness and therefore contrary to the NPPF and Saved Local Plan Policy RAP2. The recommendation, therefore, was to refuse permission.

An addendum circulated at the meeting advised that further neighbour support had been received because the proposal would allow the occupiers to remain in the property rather than needing to move house.

The following people addressed the Committee:

- Councillor Slatem, Beausale, Haseley, Honiley and Wroxall Parish Council, supporting;
- Mr Bird, the applicant; and
- Councillor Whiting, Ward Councillor, supporting.

Following consideration of the report, presentation, information in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application should be refused as per the officers' recommendation.

The Committee therefore

Resolved that W/16/1511 be **refused** for the following reason:

- (1) the application property is within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with national policy guidance contained in the NPPF.

The NPPF states that the limited extension of existing buildings in the Green Belt may be appropriate provided that it does not result in a disproportionate addition over and above the size of the original building. Policy RAP2 of the Warwick District Local Plan 1996-2011 specifies that extensions over 30% of the floor area of the original dwelling are likely to be considered disproportionate.

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In the opinion of the Local Planning Authority, the proposed 69.3% increase in floor space would radically alter the scale and character of the original dwelling, thus constituting an undesirable extension and consolidation of a residential property likely to affect detrimentally the character of this rural locality, thereby constituting inappropriate development conflicting with the aims of Green Belt and Local Plan policy.

The proposal is considered to be harmful by definition and by reason of harm to openness and is contrary to the aforementioned policies. No very special circumstances have been presented which are considered to outweigh the harm identified.

144. W/16/2291 – Hampton View, Henley Road, Hampton-on-the-Hill

The Committee considered an application from Mr Purser for the erection of a single story building with flat, green (living) roof linking the two existing residential buildings that comprised the property, Hampton View.

The application was presented to Committee at the request of Councillor Phillips.

The officer was of the opinion that the proposed link building and subsequent extension of the dwelling were considered inappropriate development within the Green Belt and no very special circumstances had been put forward which would outweigh the harm to the openness of the Green Belt. Therefore, the proposal was not considered to comply with the NPPF, adopted Local Plan policy RAP2 and emerging Local Plan policy H14 and was recommended for refusal.

The following people addressed the Committee:

- Mr Purser, the applicant; and
- Councillor Phillips, Ward Councillor, supporting.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Boad that the application should be refused in line with the officers' recommendation.

The Committee therefore

Resolved that W/16/2291 be **refused** for the following reason:

- (1) the property, subject of the application, is within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character of the area will be retained and protected in accordance with national

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policy guidance contained in the National Planning Policy Framework (NPPF). The NPPF states that the limited extension of existing dwellings in Green Belt areas may be appropriate provided that it does not result in a disproportionate addition over and above the size of the original dwelling. Policy RAP2 of the Warwick District Local Plan 1996-2011 and policy H14 of the emerging Warwick District Local Plan 2011-2026 seek to prevent extensions to dwellings which substantially alter the scale, design and character of the original dwelling and indicates that extensions which are greater than 30% of the floor area of the original dwelling are likely to be considered disproportionate.

In the opinion of the Local Planning Authority it is considered that, when taken together with the existing extensions, the proposed development would radically alter the scale and character of the original dwelling, thus constituting a disproportionate extension of the original dwelling which would constitute inappropriate development in the Green Belt harmful by definition and also result in a material loss of openness of this part of the Green Belt. The proposal would therefore be contrary to the aforementioned policies.

145. W/16/2099 – Swallows Rest, Red House Farm Lane, Beausale

The Committee considered an application from Mr Tustin for the erection of a single storey rear extension.

The application was presented to Committee because support had been received from Beausale, Haseley, Honiley and Wroxall Parish Council and the officers' recommendation was to refuse permission.

The officer was of the opinion that the proposal of the single storey extension to Swallows Rest, a barn conversion, was considered inappropriate and unacceptable according to the Council's Design Guidance for Agricultural Buildings and Barn Conversions, and was by nature a residential addition to the barn which would increase its domestic character. The scale and design of the doors, windows and roof lights were also very domestic in style and the large panels of glazing were uncharacteristic of this barn, and involved the unnecessary loss of walls, all of which would add to the detriment caused to its character and integrity.

The recommendation was therefore to refuse permission.

The following people addressed the Committee:

- Councillor Slatem, Beausale, Haseley, Honiley and Wroxall Parish Council, supporting;

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- Mr Ellson, applicant's representative; and
- Councillor Whiting, Ward Councillor, supporting.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Edgington that the application should be refused in line with the officers' recommendation.

The Committee therefore

Resolved that W/16/2099 be **refused** for the following reasons:

- (1) policy RAP7 of the Warwick District Local Plan (1996-2011) sets out a number of criteria for the conversion of existing rural buildings within the District and the policy specifically refers to the need for the proposed use to be accommodated without extensive rebuilding or alteration to the external appearance of the building, and for the appearance and setting of the building following conversion to protect and where possible, enhance the character and appearance of the countryside.

The application site which lies within the Green Belt, comprises a converted former agricultural building which is part of a larger complex of barns now used for residential occupation. The District Council has approved Supplementary Planning Guidance on barn conversions, and permitted development rights for subsequent extensions are removed in order to ensure that the character and appearance of the converted buildings and their setting within the wider countryside are respected and protected.

In the opinion of the District Planning Authority, the proposed extension is considered inappropriate and unacceptable as it is by nature a residential addition to the barn which will increase its domestic character. The scale and design of the doors, windows and roof lights are also very domestic in style and the large panels of glazing are uncharacteristic of this barn, and involves the unnecessary loss of walling, all of which will add to the detriment caused to its barn-like character.

Overall it detracts from the original character and appearance of the agricultural complex of buildings, thereby prejudicing the objectives of the aforementioned policy. If permitted, this type of extension could act as a precedent for extensions to other converted barns which

PLANNING COMMITTEE MINUTES (Continued)

would be difficult to resist, thereby cumulatively eroding the character and appearance of the countryside to the detriment of the wider Green Belt and open countryside within the District; and

- (2) policy DAP4 of the Warwick District Local Plan 1996-2011 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting, and NPPF Paragraph 134 states that Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The original form of the L-shaped barn and the significance of its relationship to the Listed Hay Barn and farm house will be negatively impacted by the proposed extension and its positioning, and therefore the general character of the Barn is eroded and less than substantial harm would be caused to the Heritage Asset. This harm is not outweighed by any public benefits and neither is there any need to secure the viability of the site.

The proposal is thereby considered to be contrary to the aforementioned policies.

146. **W/16/2129 – 38 High Street, and 1 Court Street, Royal Leamington Spa**

The Committee considered an application from Mr Biran for the erection of a second floor extension and alterations to the first floor to provide four, one bedroom flats.

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

The officer was of the opinion that the proposed residential units within this area adhered to the criteria set out within the adopted Local Plan. There would be no additional harm to nearby uses or residents as a result of the proposal and the parking survey submitted showed that parking could be accommodated on street. Adequate waste storage had been provided and therefore the application should be granted.

The following people addressed the Committee:

- Councillor John Knight, Royal Leamington Spa Town Council, objecting; and

PLANNING COMMITTEE MINUTES (Continued)

- Mr Baldwin, applicant's representative.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Ashford that the application should be granted in line with the officers' recommendation.

The Committee therefore

Resolved that W/16/2129 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 drawings 1107/1a and 1107/5 submitted on 7th February 2017 and 1107/2d and 1107 / 4d submitted on 15th February 2017, 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) 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;

PLANNING COMMITTEE MINUTES (Continued)

- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **Reason:** 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) other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in 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;
- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials 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 the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (7) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which shall have been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: measures to control the emission of dust and dirt during construction; measures to limit noise and disturbance. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP2 of the Warwick District Local Plan 1996-2011;
- (8) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade 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) the development hereby permitted shall not be occupied unless and until the refuse storage scheme has been constructed or laid out, and made available for use by the occupants of the development in accordance with the approved details and thereafter those areas shall 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 DP2 of the Warwick District Local Plan 1996-2011; and
- (10) the development hereby permitted shall be constructed strictly in accordance with the Environmental Noise Survey and Assessment prepared "noise.co.uk" submitted on 21st

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November 2016. **Reason:** In the interest of protection nearby amenity and the satisfactory development of the site in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

147. W/16/2122 – Narrow Hall Meadow, Warwick

The Committee considered an application from Busy Bees for the installation of three, non-illuminated signs.

The application was presented to Committee because of the number of objections received, including one from Warwick Town Council.

The officer was of the opinion that the amended scheme was thought to have suitably addressed planning and public concerns as voiced during the application process, and was now much improved. The design, level of information and scale of the signs was considered appropriate and there were no issues surrounding public safety. Therefore, the Advertisement Consent was recommended for approval.

An addendum circulated at the meeting advised that Councillor Ashford had withdrawn his objection following receipt of a revised scheme for three signs.

Following consideration of the report, presentation, information in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Heath that the application should be granted in line with officers' recommendation.

The Committee therefore

Resolved that W/16/2122 be **granted** subject to the following condition:

- (6) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan submitted on 20th November 2016 and approved amended drawings 'Proposal Rev C south east elevation and south west elevation' and 'Proposal Rev C north west elevation and north east elevation' submitted on 9th February 2017, 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.

148. W/16/2194 – 37 Sherbourne Place, Clarendon Street, Royal Leamington Spa

The Committee considered an application from Mr Bains for the erection of a trellis panel on timber stilts.

PLANNING COMMITTEE MINUTES (Continued)

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

The rear neighbour's side elevation abutted the rear boundary of the site and the trellis was proposed immediately adjacent to this side elevation, which had one small obscure glazed bathroom window and one small obscure glazed lounge window (secondary light source) which faced directly onto the garden area belonging to the applicant. The proposed trellis would be situated immediately outside the neighbour's bathroom window, however, it would be situated such that it would still permit the window to be opened.

The officer was of the opinion that while an unusual proposal and juxtaposition of properties, it was considered that the proposal would not result in material harm to the living conditions of the occupier of the neighbouring property by reason of loss of light or outlook as the windows were obscure glazed, one served a non-habitable room and the other was a secondary light source. The proposal was therefore considered to comply with Warwick District Council's Local Plan Policy DP2.

Members raised concerns that the application was a result of a dispute between neighbours and noted that the properties were in an unusual position in relation to one another. Consideration was given to restricting the height of the trellis to the bottom cill of the first floor window but it was felt that even this would be unneighbourly.

Some Members, whilst sympathetic, did not feel that the erection of the trellis would cause any more loss of light than the tree that was currently planted and did not feel that there were sufficient planning grounds to refuse permission.

A proposal to grant as per the officers' recommendation was duly seconded but on being put to the vote was defeated.

Following consideration of the report and presentation, it was proposed by Councillor Cooke and seconded by Councillor Day that the application should be refused, contrary to the officer's recommendation, because it impacted on the neighbour's amenity.

The Committee therefore

Resolved that W/16/2194 be **refused** because it impacts on the neighbour's amenity.

149. **W/16/2301 – 24 Ashford Gardens, Whitnash**

The Committee considered an application from Mr Sandhu for the erection of a single storey rear extension.

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

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the proposed single storey rear extension was considered to be acceptable for the reasons provided above and was considered to accord with the policies listed.

Following consideration of the report and presentation, it was proposed by Councillor Boad and seconded by Councillor Mrs Bunker that the application should be granted in accordance with the officers' recommendation.

The Committee therefore

Resolved that W/16/2301 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 1102-D, and specification contained therein, submitted on 19th December, 2016. **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 either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials 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 the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (4) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade 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; and
- (5) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

150. **W/17/0071 – 13 Spring Lane, Kenilworth**

The Committee considered an application from Mr Cain for the erection of a detached garage to the front of the property.

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

The officer was of the opinion that the proposal was considered to be acceptable in retaining the character of the surrounding area without materially impacting on residential amenity or highway safety.

Following consideration of the report and presentation, it was proposed by Councillor Edgington and seconded by Councillor Day that the application should be granted in accordance with the officers' recommendation.

The Committee therefore

Resolved that W/17/0071 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);

PLANNING COMMITTEE MINUTES (Continued)

- (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)Nos: M1636_PL_DRG_0003, M1636_PL_DRG_0005, M1636_PL_DRG_006, and specification contained therein, submitted on 17 January 2017. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no windows or openings (apart from any shown on the approved drawings) shall be formed in the south facing elevation of the garage hereby approved without the written approval of the local planning authority and if any additional windows are subsequently 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:** To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (5) the building hereby permitted shall be used only for purposes ancillary to the use of 13 Spring Lane for residential purposes and for no other purpose (even if such other purpose would not otherwise require planning permission or would otherwise be permitted by any legislation), unless otherwise agreed in writing by the local planning authority. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the

PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 1996-2011; and

- (6) 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 development 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 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.

151. Appeals Report

Members received a report from officers outlining the existing enforcement matters and appeals currently taking place.

Resolved that the report be noted.

PLANNING COMMITTEE MINUTES (Continued)

152. Urgent Item – Planning Enforcement Service targets January 2016- January 2017

Members received a report from the Enforcement Manager which detailed the Enforcement Team's January 2016 to January 2017 performance since the adoption of the new Enforcement Procedure in December 2013.

In addition, figures had been produced to show the number of incoming cases from the past year, the number closed and the number of enforcement notices served within the same period.

The Members also viewed a number of slides showing examples of enforcement work throughout the District, with before and after photographs.

Members requested that figures be passed to them advising how many enforcement matters had been investigated following direct requests from Warwick District Councillors.

Resolved that the report be noted.

(The meeting ended at 9.43pm)