

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 8 April 2014 in the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Apologies for absence were received from Councillors Brookes and MacKay.

181. **SUBSTITUTES**

Councillor Mrs Falp substituted for Councillor MacKay.

182. **DECLARATIONS OF INTEREST**

Minute Number 184 – Agenda Item 6 – W14/0163 – Land between 12-14 Station Road, Kenilworth

During the course of the item it became apparent to Councillor Mrs Bunker that she knew a number of people involved in the application and she therefore declared a personal interest.

Minute Number 185 – Agenda Item 7 – W14/0183 – 1 Chapel Street, Royal Leamington Spa

Councillor Wilkinson declared a personal interest because he lived very close to the development site.

183. **SITE VISITS**

No site visits were undertaken prior to this meeting.

184. **W14/0163 – LAND BETWEEN 12-14 STATION ROAD, KENILWORTH**

The Committee considered an application from Virgate Properties Ltd for the erection of five no. two bedroom flats after demolition of the existing two storey and single storey former car sales building.

The application was presented to the Committee at the request of Councillor Illingworth and because an objection had been received from Kenilworth Town Council.

The officer considered the following policies to be relevant:

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

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

Vehicle Parking Standards (Supplementary Planning Document)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance)

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DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)

An addendum circulated prior to the meeting clarified that while the paragraph on living conditions in the report stated that the small window in the gable wall of no. 12 was a cloakroom, it was in fact an obscure glazed secondary window to a solicitor's office. The primary window was the bay window to the front. The addendum also stated that Warwickshire Highways Authority had responded to say that it had no objection to the application, subject to conditions and notes. Finally, the addendum also set out changes to conditions 8 and 2, following legal advice and the receipt of an amended ground floor layout plan.

It was the officer's opinion that this would be an appropriate site for new residential development, and that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Furthermore, the proposals were considered to be acceptable in terms of car parking and highway safety. Therefore it was recommended that planning permission be granted subject to conditions.

Mr Brown addressed the Committee in objection to the application, representing both his own views and those of a number of neighbours. Mr Simmons spoke next, in support of the application. Councillor Illingworth then addressed the Committee in objection to the application as both a Ward Councillor and a Town Councillor.

Following consideration of the report, presentation and addendum, and the representations made at the meeting, the Committee resolved that the application be granted in accordance with the officer's recommendations, subject to the amendments to conditions 2 and 8 as set out in the addendum.

RESOLVED that W14/0163 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);

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- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings (drawing numbers 5080/03D, 5080/04C, 5080/05C, 5080/06C and 5080/07B) and specification contained therein. **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) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the 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;
- (4) the development hereby permitted shall be carried out only in full accordance with samples of all external facing 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 policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011;
- (5) 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

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been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

- (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 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;
- (7) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas 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

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highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011;

- (8) the development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development as shown on the approved plans and specification contained therein have been constructed or laid out, and made available for use by the occupants of the development 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 DP1 of the Warwick District Local Plan 1996-2011;

- (9) all window and door frames shall be constructed in timber and shall be painted and not stained. **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 / 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;

- (10) 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;

- (11) the roofing material for the development shall be natural slate. **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;

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- (12) 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/ 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; and
- (13) the development hereby permitted shall not be occupied unless and until the existing car sales building shown on the approved drawings to be demolished is removed in its entirety.
REASON: To provide a satisfactory form of development and to accord with Policy DP2 of the Warwick District Local Plan 1996-2011.

(During the course of this item Councillor Mrs Bunker declared a personal interest because she realised that she knew a number of people involved in the application.)

185. W14/0183 – 1 CHAPEL STREET, ROYAL LEAMINGTON SPA

The Committee considered an application from Crucian Residential Ltd for the redevelopment of vacant offices following demolition of existing buildings and erection of nine no. three storey four bed town houses (Use Class C3).

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)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
TCP10 - Protecting the Residential Role of Town Centres (Warwick District Local Plan 1996 - 2011)

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

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

Vehicle Parking Standards (Supplementary Planning Document)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

An addendum circulated at the meeting set out comments received following publication of the agenda, a revision of condition 2 in order to tally with amended floor plans which had been received, an amended condition 12 and a note that condition 15 had been deleted.

It was the officer's opinion that this would be an appropriate site for new residential development. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the Conservation Area. Furthermore, the proposals were considered to be acceptable in terms of car parking, highway safety, flood risk and ecological impact. Therefore it was recommended that planning permission be granted.

Mr Ward addressed the Committee on behalf of the Leamington Society and a number of neighbours who objected to the application. Mr Frampton spoke in support of the application.

Following consideration of the report, presentation and addendum, and the representations made to the meeting, the Committee resolved that the application be granted in accordance with the officer's recommendations, subject to the amendments to conditions 2 and 12 and the deletion of condition 15 as set out in the addendum.

RESOLVED that W14/0183 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 101, 302, 303D, 304E, 305E, 306E & 2004, and specification contained therein, submitted on 7 February 2014, 20 March 2014 and 1 April 2014. **REASON:** For the avoidance of doubt and to secure a satisfactory form of

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development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) no development (other than demolition) shall be carried out on the site which is the subject of this permission, until large scale details of doors, door casings, windows (including a section showing the window reveal, heads and cill details), parapets, rainwater goods, gates and railings 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:** For the avoidance of doubt, and 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;
- (4) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (5) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted (other than demolition) is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;
- (6) 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 (other than demolition) shall commence unless or until a scheme for

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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;

- (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. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of the dwellings 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;

- (8) the development hereby permitted (other than demolition) shall not commence until details of the finished floor levels of the dwellings,

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together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments.

REASON: To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (9) no development (including demolition) shall commence unless and until a further survey for the presence of bats (to include appropriate activity surveys) has been carried out by a qualified surveyor, and has been submitted to and approved in writing by the local planning authority. Should the presence of bats be found then no demolition shall take place until full details of measures for bat migration and conservation have been submitted to and approved by the local planning authority. The works shall be implemented in strict accordance with the approved details and timing of works, unless otherwise approved in writing by the local planning authority and once undertaken the works shall not be removed or altered in any way without the prior written approval of the local planning authority. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

- (10) the development hereby permitted shall not be commenced (other than demolition) unless and until either:

(a) a scheme showing how 10% of the predicted energy requirement of the dwellings 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; or

(b) a scheme showing how the fabric of the buildings will be designed to ensure that the dwellings achieve a 10% reduction in energy consumption compared with the minimum requirements of the building regulations at the

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time the dwellings are constructed, has been submitted to and approved in writing by the District Planning Authority.

The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. 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 or the reduction in energy consumption, in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(11) 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 retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted, unless agreed otherwise in writing by the District Planning Authority. **REASON:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

(12) gates provided at the entrance to the site shall not be hung so as to open out over 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;

(13) 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;

(14) all rainwater goods for the development hereby permitted shall be metal. **REASON:** To ensure

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an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

(16) none of the dwellings hereby permitted shall be occupied unless and until the bin store has been provided in strict accordance with the approved plans. **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; and

(17) none of the dwellings hereby permitted shall be occupied until all parts of existing accesses to Chapel Street have been permanently closed and reinstated in accordance with details approved in writing by the District Planning Authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

186. W13/1793 – RAMADA WARWICK, LEAMINGTON ROAD, CHESFORD BRIDGE, KENILWORTH

The Committee considered an application from Mr Johal for a ground floor extension to a ballroom and new reception area with internal alterations.

The application was presented to the Committee because an objection had been received from Old Milverton and Blackdown Joint Parish Council.

The officer considered the following policies to be relevant:

National Planning Policy Framework

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

Vehicle Parking Standards (Supplementary Planning Document)

Warwickshire Landscape Guidelines SPG

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)

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)

DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)

National Planning Policy Framework

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An addendum circulated prior to the meeting set out further comments made by Old Milverton and Blackdown Joint Parish Council following publication of the agenda.

The application site was within the Green Belt where policies of restraint applied. The application proposed substantial extensions that would increase the overall prominence of built development. The development proposed would therefore be harmful to the Green Belt as it was inappropriate; diminished openness and conflicted with the purpose of including land in the Green Belt by encroaching upon the countryside. However, it was the officer's opinion that very special circumstances had been demonstrated sufficient to outweigh the harm caused to the Green Belt. The existing building was not particularly attractive and had expanded in a piecemeal way, whereas this development was more aesthetically pleasing and consistent. Furthermore, there were no other objections to the scheme so as to justify the refusal of the proposed scheme.

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

RESOLVED that W13/1793 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 No. 1414-011; 1414-013B; 1414-014A, 1414-015A, 1414-016A, 1414-017A, 1414-018A, 1414-019B, 1414-020B and specification contained therein, submitted on 27th 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 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

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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

- (4) the development shall be carried out only in full accordance with sample details of the facing and roofing materials and treatment 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.

187. W13/1787 – 12 AUGUSTA PLACE, ROYAL LEAMINGTON SPA

At its meeting of 18 March 2014, the Planning Committee refused an application in respect of 12 Augusta Place and requested that officers present a report to the Committee at the next meeting on enforcement matters to be agreed.

Further to that decision, officers reported that since the 18 March meeting they had consulted with the applicant to see what enforcement action the applicant thought would be reasonable. The applicant put forward a proposal which the Council's Building Inspector had verified was a reasonable expectation.

Officers clarified a number of points in response to Members' questions and then the Committee voted to authorise enforcement action.

RESOLVED that enforcement action be authorised in respect of W13/1787.

(The meeting ended at 7.37 pm)