

# PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 7 January 2009 in the Town Hall, Royal Leamington Spa at 6.00pm.

**PRESENT:** Councillor MacKay (Chairman); Councillors Barrott, Mrs Blacklock, Davies, De-Lara-Bond, Dhillon, Edwards, Illingworth, Mobbs and Rhead.

(Councillor De-Lara-Bond substituted for Councillor Copping and Councillor Mobbs substituted for Councillor Mrs Higgins)

## 706. DECLARATIONS OF INTEREST

Minute Number 707 Stoneleigh Abbey Riding School, Stoneleigh Abbey, Kenilworth

Councillor MacKay declared a personal interest because he was Ward Councillor for the application site.

Minute Number 708 Stoneleigh Abbey Riding School, Stoneleigh Abbey, Kenilworth

Councillor MacKay declared a personal interest because he was Ward Councillor for the application site.

Minute Number 709 133 Cape Road, Warwick

Councillor Dhillon declared a personal interest because he was Ward Councillor for the application site.

Minute Number 714 Unit 2 Ladbrooke Park, Millers Road, Warwick

Councillor Dhillon declared a personal interest because he was Ward Councillor for the application site.

## 707. STONELEIGH ABBEY RIDING SCHOOL, STONELEIGH ABBEY, KENILWORTH

The Committee considered an application from Stoneleigh Abbey Limited for the change of use from conference/banqueting suite to offices.

The application was submitted to Committee for determination because of the number of objections that had been received.

This application was deferred at Planning Committee on the 10 December 2008, to enable a site visit to take place on 3 January 2009. The report in the agenda was that which was presented previously, with further information on the unilateral Planning Obligation requested by the Committee.

The Head of Planning considered the following policies to be relevant to the application:

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

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

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

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

DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

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

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

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

RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)

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

The Head of Planning summarised the application that whilst the office use of the building exceeded the small scale employment uses permissible in rural areas under policy RAP6, the he was satisfied that the proposals helped to secure other policy objectives relating to the protection and restoration of listed buildings and did not give rise to other unacceptable effects which would warrant a refusal of permission.

A further comment from the Stoneleigh Abbey Residents Association was circulated in the addendum at the meeting.

The following addressed the Committee:

Mr I King – Objector

Mr P Frampton – Supporter

Following consideration of the report and presentation along with the information contained in the addendum and representations from speakers at the meeting the Committee were of the opinion that the application should be deferred to allow for further consultation with the applicant to look into obscure glazing to reduce overlooking from mezzanine floor.

**RESOLVED** that application W08/0979 be DEFERRED to allow for consultation with the applicant to look into obscure glazing to reduce overlooking from mezzanine floor

**708. STONELEIGH ABBEY RIDING SCHOOL, STONELEIGH ABBEY, KENILWORTH**

The Committee considered an application from Stoneleigh Abbey Limited for the installation of mezzanine floor and external door.

Following the decision by the Committee, regarding the linked application W08/0979, to defer to allow for further consultation with the applicant it was agreed to defer this application to allow for determination at the same time as linked application.

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

**RESOLVED** that application W08/0980LB be DEFERRED to allow for determination in at the same time as linked application W08/0979.

### **709 133 CAPE ROAD, WARWICK**

The Committee considered a retrospective application from Mr G Sabanadesan for the instillation of a roller shutter at the front entrance.

The application was submitted to Committee in order to request approval for enforcement action.

The Head of Planning considered the following policies to be relevant to the application:

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

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

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

Warwick District Council Policy on Shopfront Security

The principal issue in this case was whether the security shutter on the door complied with Policy DP1, which states that development would only be permitted which positively contributed to the character and quality of its environment. The policy then goes into particular details, including reinforcing or enhancing the established urban character of the street. Although only the door to the shop was involved, the Council's approved policy guidance on Shopfront Security was of some relevance and that emphasise opportunities for internal grilles should be explored first before putting forward any case for a solid external roller shutter.

In the present case, the security shutter was contained within a bulky prominent box which projected from the building and consisted of plain metal. It was considered that this did not respect the character of the building or the street scene and that it represented poor design which impacted negatively on the character of the locality.

The Committee received four objections to the application from residents in the addendum circulated at the meeting.

The applicant had registered to speak at the meeting but did not attend the meeting.

Following consideration of the officers report and presentation along with the information contained with the addendum, it was proposed and duly seconded that the application be granted. This was lost on the vote with 3 votes in favour, 5 against and 2 abstentions. It was then proposed and duly seconded that the determination of the application should be deferred to allow for further consultation with the applicant, which carried unanimously.

**RESOLVED** that application W08/1357 be DEFERRED to allow for further consultation with the applicant.

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

### **710. 22 WINDMILL CLOSE, KENILWORTH**

The Committee considered an application from Mr P Taylor for the erection of a single storey front extension; two storey rear and side extension and single storey rear extension.

The application was presented to the Planning Committee on 10 December 2008 when a decision was taken to Grant the application. However, a public speaking letter was not sent to the neighbour who had made representations after the report was finalised. In the circumstances, the decision notice was not issued because it was considered necessary to refer the application back to Committee and renotify all parties of their speaking rights. The report that was included in the agenda was the same as that presented previously but updated to refer to the neighbour concerns and further comments on the amended plans from Kenilworth Town Council that had been included in the addendum for the previous meeting.

The Head of Planning considered the following policies to be relevant to the application:

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

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

In the opinion of the Head of Planning, the development respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents. The proposal is therefore considered to comply with the policies listed.

The following addressed the Committee:

Mr M Berry – Objector

Mr P Taylor – Applicant

Following consideration of the Officers' report and presentation, along with information set out within the addendum and those who addressed the Committee, the Committee were of the opinion that the application should be granted in line with the recommendation in the report

**RESOLVED** that application W08/1482 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 amended drawing 08/2725/03C, and specification contained therein, submitted on 20th November, 2008 unless first agreed otherwise in writing by the District Planning Authority.

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

**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; and

- (4) the first and second floor windows and roof lights in the South West and South East elevations of the extension hereby permitted shall be obscure glazed and non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed and retained as such at all times thereafter. **REASON** : To protect the amenity of the occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

### **711. LAND OPPOSITE CORNER HOUSE, LONG ITCHINGTON ROAD, HUNNINGHAM**

The Committee considered a retrospective application from Mr I White for the retention of a timber shed to be used for the keeping of chickens.

The application was presented to Committee in order to request that enforcement action be taken.

The Head of Planning considered the following policies to be relevant to the application:

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

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

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

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

Government policy in PPG2 and Policy DAP1 of the Warwick District Local Plan states that there would be a general presumption against inappropriate development within the Green Belt. The construction of new buildings within the Green Belt was inappropriate unless it is for certain strictly defined purposes. In this case the applicant stated that the building was required for agricultural purposes, which was one of the categories of use for which new buildings were deemed to be appropriate.

Therefore, the main issue relevant to the consideration of this application was whether the timber building was reasonably required for the purposes of agriculture.

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

The applicant stated that they intend to set up a small poultry enterprise on the site. The timber building would be altered to make it suitable for accommodating chickens together with tools and equipment to be used on the holding. The applicant's countryside consultant stated that, in their opinion, there was an agricultural need for a building of this size and that the design of the building would be appropriate for agricultural use, subject to some small changes. The applicant has stated that the timber building was required in addition to the established brick barn because they do not wish to use the brick barn intensively because of the possible presence of barn owls.

The Council had commissioned an agricultural consultant to carry out an appraisal of these proposals. They concluded that the timber building was not reasonably required for the keeping of chickens. They considered that the brick barn on the land could house the level of poultry envisaged, and that this could also meet the storage needs for all associated items for the birds and managing the land. Alternatively, the siting of a small moveable poultry house on the grassland would allow better management of the proposed enterprise rather than retaining the unauthorised timber building.

Taking into account the comments of the Council's agricultural consultant, the Head of Planning did not consider that there was an agricultural need for the building. The building was not erected for agricultural purposes and the application site comprised of a small parcel of land which already contained a substantial building.

The Head of Planning noted the applicant's concerns about the possible presence of barn owls within the brick barn, however the site had been inspected by the County Ecologist and they confirmed that there was no evidence to suggest that the barn had been used by barn owls. In any case, the Head of Planning did not consider that a possible presence of barn owls within an existing barn would justify the construction of a new building within the Green Belt. The Head of Planning was concerned that this would set an undesirable precedent for other similar buildings across the rural area, resulting in a proliferation of new buildings.

In the absence of an agricultural need, the building represented inappropriate development within the Green Belt. PPG2 and Policy DAP1 of the Warwick District Local Plan that stated that inappropriate development would only be permitted in very special circumstances. The applicant had not demonstrated any very special circumstances to justify departing from the general presumption against inappropriate development within the Green Belt.

The building had reduced the openness of the site and represented a consolidation of built development on this rural lane. Therefore, I consider that the building causes unacceptable harm to the openness and rural character of the Green Belt.

Additional information on the application from the applicant in response to the need for the building was circulated at the meeting in the addendum.

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

Following consideration of the officers report and presentation, along with the information contained in the addendum the Committee were of the opinion that the application should be refused and enforcement action was approved in line with the recommendation in the report.

### **RESOLVED** that

- (1) application W08/1548 be REFUSED, because the site is situated within the Green Belt and the Warwickshire Structure Plan 1996-2011 together with the Warwick District Local Plan and Planning Policy Guidance Note 2 states that, within the Green Belt, the rural character of the area will be retained and protected. Policy DAP1 of the Warwick District Local Plan 1996-2011 contains a general presumption against “inappropriate” development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The development does not fall within any of the categories listed in the policy. In particular, the applicant has not demonstrated that the building is reasonably required for the purposes of agriculture. In the opinion of the District Planning Authority, very special circumstances sufficient to justify departing from the development plan have not been demonstrated; and
- (2) enforcement action be AUTHORISED to require the removal of the timber building with a compliance period of 3 months.

#### **712. 1 GREVILLE SMITH AVENUE, WHITNASH**

This item has been WITHDRAWN from the agenda as the only additional element to the previous approved scheme W07/1742 is a side dormer window which in itself can be erected under permitted development rights. The application has now been decided under delegated powers within the eight week statutory period.

#### **713. SOMERSET HOUSE, CLARENDON PLACE, LEAMINGTON SPA**

The Committee considered a retrospective application from ehB Comercial, for retention of 2 non-illuminated signs attached to railings fronting Clarendon Place, Warwick Street.

The application was presented to Committee in order to request approval for enforcement action.

The Head of Planning considered the following policies to be relevant to the application:

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

Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

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

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

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

The main issue relevant to the consideration of this application was the impact on the character and appearance of the Listed Building and the Conservation Area.

The application property was a substantial corner building that occupied a prominent position within the Conservation Area. This part of the Conservation Area was predominantly residential in character, and the District Council exercised strict control over the size, design and position of advertisements in such locations. The railings around the front of the application site represented a key part of the setting of the Listed Building, and this was emphasised by their specific inclusion within the Listing.

In the opinion of the Head of Planning, the sign boards represented incongruous features within this historic street scene and caused unacceptable harm to the character and appearance of the Listed Building and the Conservation Area by reason of their prominent position, size and design. Furthermore, the signs obscured large parts of the front railings, which were an important feature of the Listed Building and the street scene generally.

The Head of Planning appreciated that there had been advertisements in this position for some years, but did not consider that this justified granting consent for this inappropriate addition to a Listed Building. Listed building consent had never been granted for any such proposals and there was no time limit for taking Listed Building Enforcement Action.

The following addressed the Committee  
Mr S Hain - Supporter

Following consideration of the Officers' report and presentation, the Committee were of the opinion that the application should be refused and enforcement action be authorised as per the recommendation in the report.

### **RESOLVED** that

- (1) application W08/1575LB be REFUSED because the application relates to a Grade II Listed Building situated within the Leamington Spa Conservation Area.

Policy DAP4 of the Warwick District Local Plan 1996-2011 states that development which adversely affects the special architectural or historic interest of listed buildings will not be permitted. Furthermore, Policy DAP8 of the Warwick District Local Plan 1996-2011 requires



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

that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

The application property is a substantial corner building that occupies a prominent position within the Conservation Area. This part of the Conservation Area is predominantly residential in character, and the District Council exercises strict control over the size, design and position of advertisements in such locations. The railings around the front of the application site represent a key part of the setting of the Listed Building, and this is emphasised by their specific inclusion within the Listing.

In the opinion of the District Planning Authority, the sign boards represent incongruous features within this historic street scene and cause unacceptable harm to the character and appearance of the Listed Building and the Conservation Area by reason of their prominent position, size and design. Furthermore, the signs obscure large parts of the front railings, which are an important feature of the Listed Building and the street scene generally.

The application is therefore considered to be contrary to the aforementioned policies; and

- (2) listed building enforcement action be authorised to require the 2 sign boards to be removed with a compliance period of 2 months.

### **714. UNIT 2 LADBROKE PARK, MILLERS ROAD, WARWICK**

The Committee considered an application from Mr M Jeffs for change of use from B1 (Business and Light Industrial) to B2 (General Industrial).

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

The Head of Planning considered the following policies to be relevant to the application:

Vehicle Parking Standards (Supplementary Planning Documents)  
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)

In the opinion of the Head of Planning, the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of parking which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

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

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

**RESOLVED** that application W08/1595 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), and specification contained therein, submitted on 19 November 2008 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) the B2 use hereby permitted shall be carried on only in conjunction with the B2 use at Unit 1 and on the discontinuance of his/her/their occupancy of either Unit 1 or 2 the use hereby permitted shall cease. **REASON** : Since permission for the development would not normally be granted other than in the special circumstances put forward by the applicant.

### **715. 60 REGENT STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application from Saul Clements Hairdressing for the erection of a single storey extension to form kitchen and disabled DC, internal alterations to create extension to hairdressing salon together with alterations to the doorway on the front elevation.

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

The Head of Planning considered the following policies to be relevant to the application:

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

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

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

In the opinion of the Head of Planning, the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property was situated. The proposal was therefore considered to comply with the policies listed.

Two further comments one from a neighbour supporting the application and one from the conservation area advisory forum who had no comment on the application were circulated at the meeting in the addendum.

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

**RESOLVED** that application W08/1638 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 number 794.3 RA, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (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.

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

### **716. 60 REGENT STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application from Saul Clements Hairdressing for the erection of a single storey extension to form kitchen and disabled DC, internal alterations to create extension to hairdressing salon together with alterations to the doorway on the front elevation.

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

The Head of Planning considered the following policy to be relevant to the application:

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

In the opinion of the Head of Planning, the proposed development did not adversely affect the historic integrity, character or setting of the listed building and was of an acceptable standard of design and detailing. The proposal was therefore considered to comply with the policies listed.

Two further comments one from a neighbour supporting the application and one from the conservation area advisory forum who had no comment on the application were circulated at the meeting in the addendum.

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

**RESOLVED** that application W08/1639LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 number 794.3 RA and specification contained therein unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

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

- (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.

(The meeting ended at 8.27 pm)