

Planning Committee

Minutes of the meeting held on Tuesday 10 January 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: Committee Services Officer – Miss Cox; Legal Advisor – Mr Howarth; Head of Development Services – Mrs Darke; Team Leader, Development Control – Mr Sahota; and Planning Officer – Helena Obremski.

111. Apologies and Substitutes

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

112. Declarations of Interest

Minute Number 115 – W/16/1676 – 29 – 33 High Street, Royal Leamington Spa

Councillor Mrs Stevens declared an interest because she was a member of Royal Leamington Spa Town Council's Planning Committee and had been present during a recent debate on Houses in Multiple Occupation, but she had not taken part in the discussion.

Minute Number 118 – W/16/1659 – 32 Yardley Close, Woodloes Park, Warwick

Councillor Edgington declared an interest because he was a member of Warwick Town Council's Planning Committee. He left the room while this item was discussed.

Minute Number 121 – W/16/1976 – 250 Myton Road, Warwick

Councillor Edgington declared an interest because he was a member of Warwick Town Council's Planning Committee. He left the room while this item was discussed.

Minute Number 122 – W/16/1314 – 16 Old Square, Warwick

Councillor Edgington declared an interest because he was a member of Warwick Town Council's Planning Committee. He left the room while this item was discussed.

113. Site Visits

To assist with decision making, Councillors Ashford, Cooke, Boad, Mrs Bunker, Day, Edgington, Heath, Mrs Hill, Mrs Stevens and Weed had visited the following application sites on Saturday 7 January 2017:

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W/16/1659 – 32 Yardley Close, Woodloes Park, Warwick
W/16/1676 – 29 – 33 High Street, Royal Leamington Spa
W/16/1906 – 32B Kenilworth Road, Royal Leamington Spa

114. Minutes

The minutes of the meeting held on 6 December 2016 were taken as read and signed by the Chairman as a correct record.

115. W/16/1676 – 29–33 High Street, Royal Leamington Spa

The Committee considered an application from A T Architects Limited for internal and external alterations to facilitate the conversion of the roof-space to provide seven additional bedrooms to an existing seven bedroomed House in Multiple Occupation (HMO), to be used as student accommodation.

The application was presented to Committee because of the number of objections that had been received, including one from Royal Leamington Spa Town Council.

The officer was of the opinion that the proposed additional bedrooms to the existing HMO adhered to the criteria set out within the Draft Local Plan, and more specifically Policy H6. There would be no additional harm to nearby uses or residents as a result of the proposal and the parking concerns had been addressed through the unilateral undertaking. Adequate waste storage had been provided and, therefore, the officer recommended that the application should be granted.

An addendum circulated at the meeting outlined further objections received from a local resident and from Councillor Quinney, with a relevant response from officers.

The following people addressed the Committee:

- Councillor Morrison, representing Royal Leamington Spa Town Council, in objection to the proposal;
- Mr Davies and Ms Davies, in objection to the proposal;
- Mr Pugh, in support of the proposal; and
- Councillor Quinney, Ward Councillor, in objection to the proposal.

At the request of the Chairman, the Head of Development Services clarified the exceptions to the Emerging Local Plan Policy H6 for Houses in Multiple Occupation, where the application site was located on a main thoroughfare in a mixed use area and where the proposal would not lead to an increase in activity along nearby residential streets.

The Legal Advisor referred the Committee to paragraph 4.64 of the Emerging Local Plan, which defined the terms 'thoroughfare' and 'mixed use area', and confirmed that the application site was on a thoroughfare.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Edgington that the application should be granted, subject to an amendment to condition 8

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to require the submission of further details for approval in relation to waste disposal.

The Committee therefore

Resolved that W/16/1676 be **granted** in accordance with the recommendations in the report, subject to the following conditions including the amendment to condition 8 detailed above:

(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 amended drawing 1197-0501-04, and specification contained therein, submitted on 16th 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) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

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

(4) the development hereby permitted shall not be commenced unless and until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable

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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;

- (5) 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;
- (6) the development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works has been given to a suitably qualified bat worker appointed by the applicant to supervise all destructive works to the roof. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England are consulted for advice and no further works shall be undertaken at the site unless and until full details of measures for bat migration and conservation have been submitted to and approved in writing by the local planning authority. The development shall then proceed in full accordance with the approved details

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and any required mitigation works shall be complete in full accordance with the approved details and shall not be removed or altered in any way without the prior written approval of the local planning authority. 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 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;

- (7) the rooflights hereby approved shall be "conservation style" so that there are installed in line with the roof slope and do not protrude past the roof tiles. **Reason :** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (8) the development hereby permitted shall not be occupied unless and until further details in relation to waste disposal have been submitted and approved and until the refuse storage areas for the development have 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 DP1 of the Warwick District Local Plan 1996-2011; and
- (9) 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.

Councillor Day arrived at 6.10pm during the consideration of this application, and he was therefore unable to participate in the discussion or take part in the vote on this item.

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116. **W/16/1831 – Newlands, Mill Lane, Little Shrewley, Shrewley**

The Committee considered an application from Mr Ingleson and Mrs van den Berg for the conversion of a coach house to form a dwelling.

The application was presented to Committee at the request of Councillor Gallagher who was in support of the application, and the recommendation from officers was for refusal.

Officers felt that the application was contrary to Paragraph 55 of the National Planning Policy Framework (NPPF) 2012 and the site was not considered to be within a sustainable location. In addition, they did not feel that any special circumstances had been identified by the applicant. The full reasons for refusal were detailed in the report.

An addendum circulated at the meeting provided further information from the applicant in the form of an aerial photograph of the application site.

The Team Leader, Development Control, reminded the Committee that the proposal was for an independent dwelling, not an annexe to the existing house, and must, therefore, be assessed as such.

The following people addressed the Committee in support of the application:

- Mrs van den Berg; and
- Councillor Gallagher, Ward Councillor.

In response to a question from Councillor Heath and at the request of the Chairman, Mrs van den Berg clarified the room composition of the main house and the reasons for the requirement for two bedrooms in the coach house.

A motion to grant the application was proposed by Councillor Mrs Bunker and seconded by Councillor Mrs Stevens, contrary to the officers' recommendation, subject to conditions. The proposer and seconder did not feel that the development would have a detrimental impact on the Green Belt or that the site was as remote as described in the report. However, on being put to the vote, the motion was lost.

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

The Committee therefore

Resolved that W/16/1831 be **refused** in accordance with the recommendation in the report:

- (1) paragraph 55 of the National Planning Policy Framework 2012 seeks to promote sustainable development in rural areas and avoid new isolated homes in the countryside. None of the

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special circumstances identified within Paragraph 55 are considered to have been met and the building is located in an isolated location outside of a village, with no easy access to services or public transport. Whilst the site is not isolated in terms of its location to other residential properties, the proposed change of use to provide one dwelling would be located outside of the village of Little Shrewley with no pedestrian access to local services and would not allow residents sustainable access to nearby areas for services or for work. There are no extenuating circumstances which have been presented which demonstrate the need for the applicant's mother to live at the coach house independently. The site is not considered to be located within a sustainable location and the reduced number of trips that the family would undertake is not considered sufficient justification to approve a new dwelling in an isolated location. The site is therefore highly likely to be car dependant. The provision of a dwelling in this location is therefore considered to contravene the aims and objectives of paragraph 55 of the NPPF 2012.

117. W/16/0835 – 7E Clarendon Avenue, Royal Leamington Spa

The Committee considered a retrospective application from Tara & Co for a change of use from a dwellinghouse (Use Class C3) to a three bedroom House in Multiple Occupation (HMO) (Use Class C4).

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

The officer was of the opinion that the proposed addition of an HMO within this area adhered to the criteria set out within the Draft Local Plan 2011 – 2029, and more specifically Policy H6. There would be no additional harm to nearby uses or residents as a result of the proposal and there would be no increased need for off street parking. Adequate waste storage had been provided and therefore the officer recommended that the application should be granted.

Mr Walsh addressed the Committee in objection to the proposal.

Following consideration of the report, presentation, and the representation made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Edgington that the application should be granted.

The Committee therefore

Resolved that W/16/0835 be **granted** in accordance with the recommendations in the report, subject to the following condition:

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- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved amended "floor plan", and specification contained therein, submitted on 20th 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.

118. **W/16/1659 – 32 Yardley Close, Woodloes Park, Warwick**

The Committee considered an application from Mr and Mrs Davies for the erection of a two storey side/rear extension and single storey rear extension.

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

The officer was of the opinion that the revised proposal would have no material adverse effect on the living conditions of neighbouring residential properties or the general street scene. The extension would sit comfortably on the property and within the plot and the bulk of the proposed extension would be screened by existing boundary treatment. It was concluded that the proposal would comply with the saved policies of the Adopted Warwick Local Plan and the aims and objectives of the National Planning Policy Framework.

The following people addressed the Committee:

- Councillor Mrs Grainger, representing Warwick Town Council, in objection to the proposal; and
- Mr Pugh, in support of the proposal.

Following consideration of the report, presentation and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application should be granted.

The Committee therefore

Resolved that W/16/1659 be **granted** in accordance with the recommendations in the report, 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

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carried out strictly in accordance with the details shown on the site location plan and approved drawing 1195-A3-009, 1195-010-B and specification contained therein, submitted on 22 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;
- (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

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- (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.

119. W/16/1823 – 25 Beauchamp Road, Royal Leamington Spa

The Committee considered an application from Mr Rai for the demolition of an existing warehouse and flat and erection of a residential development comprising of a single storey two bedroomed dwelling; 5 three storey, four bedroomed townhouses; 2 two bedroomed apartments; and 1 three bedroomed apartment.

The application was presented to Committee because of the number of objections that had been received, including one from Royal Leamington Spa Town Council.

The officer was of the opinion that the proposed development would provide additional housing in a suitable location. The proposal provided a sympathetic design which was respectful to the Conservation Area and nearby listed buildings. The proposed dwellings were not considered to have a harmful impact on neighbouring residential amenity and adequate on street parking could be accommodated nearby to the site. The proposal provided adequate waste and cycle storage and, therefore, the officer recommended that the application should be approved.

An addendum circulated at the meeting advised that details were to be agreed with Environmental Health via a pre-commencement condition relating to noise mitigation measures and a noise assessment provided by the acoustician.

In addition, the addendum clarified an error in the report relating to the planning history and advised that a further objection had been received from a neighbouring property.

The Head of Development Services advised the Committee that since the addendum had been published, a further objection had been received from Councillor Thompson raising concerns in line with those of residents, particularly around parking pressures, and asking that the application be rejected. However, she reminded the Committee that WCC Highways had raised no objection to the proposal.

The following people addressed the Committee in objection to the proposal:

- Councillor Morrison, representing Royal Leamington Spa Town Council; and
- Mrs Panayi.

Members felt that the design of the proposal was of poor quality within the Conservation Area, was too close to the footpath and constituted overdevelopment.

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Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Edgington and seconded by Councillor Weed that the application should be refused, contrary to the recommendations in the report.

The Committee therefore

Resolved that W/16/1823 be **refused**, contrary to the recommendations in the report, because it constitutes overdevelopment in terms of the height/bulk/mass of the buildings and the proximity to the footpath, and the poor quality design is not in keeping with the character and appearance of the conservation area.

The meeting was adjourned at 8.30pm and resumed at 8.45pm.

120. **W/16/1906 – 32B Kenilworth Road, Royal Leamington Spa**

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

The application was presented to Committee because of the number of objections that had been received, including one from Royal Leamington Spa Town Council.

The officer was of the opinion that the proposal was of an acceptable design which would preserve the character and appearance of the Conservation Area and there would be no material harm to the living conditions of neighbouring occupiers.

Ms Reuser addressed the Committee in objection to the application.

Following consideration of the report, presentation and the representation made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Mrs Stevens that the application should be granted.

The Committee therefore

Resolved that W/16/1906 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the works hereby permitted shall begin not later than 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);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2844-01 received on 19th

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October 2016 and 2844-02D received on 1st December 2016, 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 be carried out on the site which is the subject of this permission, until large scale details of doors and windows (including a section showing the window reveal, heads and cill details) 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;
- (4) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building, shall be constructed with lead cladding to the 2 dormers. **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
- (5) 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) the window to be formed in the north elevation, in the proposed first floor bedroom facing the side elevation of No 34 Kenilworth Road hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed and shall be maintained in that condition thereafter without further written consent of the Local Planning Authority. **Reason:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011.

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121. W/16/1976 – 250 Myton Road, Warwick

The Committee considered an application from Mr Vaux for the erection of a two storey side extension, single storey rear extension, tile canopy to the porch and alterations to the existing rear elevation (amendment to planning permission ref W/16/0218).

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

The officer was of the opinion that the proposal would not affect the amenity of the neighbouring properties in terms of light and overlooking, would provide a subservient form of development to the original building and was smaller in scale than the previously approved scheme.

The Chairman advised the Committee that Councillor Murphy, who had registered to speak against the proposal, had withdrawn his objection and would not be addressing the Committee.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Bunker and seconded by Councillor Boad that the application should be granted.

The Committee therefore

Resolved that W/16/1976 be **granted** in accordance with the recommendations in the report, 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 2016-1546-3F, 2016-1546-4D, 2016-1546-5F, 2016-1546-6F, 2016-1546-7D, 2016-1546-8A and specification contained therein, submitted on 24/10/2016. **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) no development (including demolition) shall commence unless and until a further survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys - Good Practice Guidelines, has been carried out by a qualified surveyor, and has been submitted to and approved in writing by the local planning

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authority and a detailed mitigation plan including a schedule of work and timings has been submitted to and approved in writing by the local planning authority. Such approved mitigation plan shall thereafter be implemented in full. **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;

- (4) 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;
- (5) 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-

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2011; and

- (6) 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.

122. W/16/1314 – 16 Old Square, Warwick

The Committee considered an application from The City Pub Company PLC for a change of use of former government offices to a public house with letting rooms (Class A4 and Class C1); internal and external alterations to the building including the demolition of the ancillary store and outbuildings; a single storey rear extension; and the erection of a pergola.

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

The officer was of the opinion that the proposals were in accordance with the requirements of Policies DP1, DP2, DP3, DP6, DP8, DP9, DAP4, DAP5, DAP7, DAP8, TCP1, TCP6 and TCP9 of the Warwick District Local Plan 1996-2011; Policies BE1, BE3, TR1, TR4, HE1, HE2, TC1, TC12, CT1 and CT2 of the emerging Warwick District Local Plan 2011 – 2029 and the provisions of the National Planning Policy Framework. The proposed uses were considered to be in accordance with the requirements of adopted national and local planning policy and it was contended that the proposed conversion works would reasonably preserve and enhance the appearance of this listed building and the Conservation Area in which it was located. In addition, the proposals should not adversely impact upon the amenities of neighbouring premises or give rise to any undue highway safety concerns.

The Chairman read out a statement from Cobalt Developments Warwick Limited, an agent acting on behalf of an objector, which formed part of the addendum.

The Head of Development Services advised the Committee that following the report being published, comments from WCC Ecology had been received and there was a requirement to add a bat and bird nesting note to the applicant.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Heath and seconded by Councillor Boad that the application should be granted, subject to a further condition restricting delivery times to between 8am and 11pm Monday to Saturday and specifying that no deliveries be made on Sundays and Bank Holidays.

The Committee therefore

Resolved that W/16/1314 be **granted** in accordance with the recommendations in the report, subject to

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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 Location Plan and drawing numbers 2977-P-01; 2977-P-02; 2977-P-05 and 2977-20, received by the Local Planning Authority on 18th July 2016; drawing number 2977-P-11 Rev C, received on 10th October 2016; and drawing numbers 2977-10 and 2977-21, received on 27th October 2016, except as required by other conditions below. This approval shall not relate to any of the details shown on drawing numbers CPF8208-01 and CPF8202-02. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DP3, DP6, DP8, DP9, DAP4, DAP5, DAP7, DAP8, TCP1 and TCP6 of the Warwick District Local Plan 1996-2011;
- (3) full details of the design and position of any new doors and windows to be installed within the building (including cross-sections at a scale of 1:5) shall be submitted to, and approved in writing by, the Local Planning Authority before they are first installed. The details shall show them constructed of timber with a painted finish. The approved windows and doors shall be installed in the approved positions and shall thereafter be satisfactorily retained at all times. **Reason:** To preserve the character of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework;
- (4) notwithstanding the details shown on the approved plans this approval shall not extend to the bi-folding doors proposed for the northern facing elevation of the 'Customer Seating' extension. Details of an alternative means of treating this elevation shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. This elevation shall be

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constructed in accordance with the approved details and shall thereafter be satisfactorily retained as such at all times. **Reason:** To preserve the character of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework;

- (5) details of the design of the proposed new gates shall be submitted to and approved in writing by the Local Planning Authority before development commences. The approved gates shall open inwards only, shall be located in the position shown on the approved plan and shall thereafter be satisfactorily retained at all times. **Reason:** In the interests of highway safety and to preserve the character and setting of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DP6, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework;
- (6) the development hereby permitted shall incorporate measures for extracting cooking odours from the premises. Details of the measures proposed shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved measures shall be completed in accordance with the approved details before the uses hereby approved are commenced and shall thereafter be satisfactorily retained at all times. **Reason:** To ensure the satisfactory dispersal of odour and fumes, and to ensure that the works safeguard the character and appearance of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DP3, DP9, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011;
- (7) the development hereby permitted shall not commence until details of the proposed measures for storing refuse from the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved measures have been implemented. Those measures shall thereafter be retained at all times that the

PLANNING COMMITTEE MINUTES (Continued)

development is in operation. **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 Policies DP1, DP3 DP9, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011;

- (8) a programme of archaeological recording shall be secured and initiated in accordance with a written scheme of investigation and this shall be submitted to the Local Planning Authority for its written approval before development commences. The approved scheme shall thereafter be implemented in accordance with the approved details. **Reason:** In order to ensure that anything of archaeological importance which helps to increase our understanding of the Districts historical development is recorded, preserved and protected in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;
- (9) the development hereby permitted shall not commence until construction and delivery management plans have been submitted to and approved in writing by the Local Planning Authority. The approved construction management plan shall be implemented in full during the construction of the development, and the delivery management plan shall be implemented in full at all times that the development is in operation. **Reason:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (10) the bricks to be used in the construction of the external walls of the approved 'Customer Seating' extension shall match in type, colour, texture, and shall be laid in a manner to match, those used in the construction of the external walls of the host building. **Reason:** To preserve the character of the host listed building and the surrounding Conservation Area in accordance with Policies DP1, DP3, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework;
- (11) all new rainwater goods shall be constructed of cast iron and painted black. **Reason:** To preserve the character of the host listed

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building and the surrounding Conservation Area in accordance with Policies DP1, DAP4, DAP5, DAP7 and DAP8 of the Warwick District Local Plan 1996-2011 and Sections 7, 11 and 12 of the National Planning Policy Framework;

- (12) notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, or any legislation subsequently superseding that Order, the premises shall not be used for any purpose within Classes A1 or A2 as defined by the Town and Country Planning (Used Classes) Order 1987 (as amended). **Reason:** To ensure that the development complies with the requirements of Policy TCP6 of the Warwick District Local Plan 1996-2011; and
- (13) delivery times will be restricted to between 8am and 11pm Monday to Saturday and no deliveries will take place on Sundays and Bank Holidays.

123. **W/16/1762 – Lawrence House, 1A Morrell Street, Royal Leamington Spa**

The Committee considered an application from Mr Wong for a change of use from offices (Use Class B1) to seven residential apartments (Use Class C3), together with internal and external alterations.

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

The officer was of the opinion that the proposed development would provide additional housing in a suitable location and provided a sympathetic design which was respectful to the Conservation Area. The proposed dwellings were not considered to have a harmful impact on neighbouring residential amenity which would warrant reason for refusal and there would be no increase in the requirement for parking as a result of the proposal. The development provided adequate waste and cycle storage and therefore the officer recommended that the application should be approved.

Following consideration of the report and the presentation, it was proposed by Councillor Ashford and seconded by Councillor Boad that the application should be granted.

The Committee therefore

Resolved that W/16/1762 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this

PLANNING COMMITTEE MINUTES (Continued)

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 amended drawings 700301-PL-009-B, 700301-PL-012A, 700301-PL-013A, 700301-PL-011A, 700301-PL-010A, 700301-PL-014A, 700301-PL-015A and 700301-PL-008A, and specification contained therein, submitted on 20th 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) 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;
- (4) 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

PLANNING COMMITTEE MINUTES (Continued)

carbon savings in accordance with the provisions of Policy DP13 in 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 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) 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;

- (7) 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;

PLANNING COMMITTEE MINUTES (Continued)

- (8) prior to the occupation of the development hereby permitted, all of the windows in the first and second floors to the rear elevation, apart from that which serves a bedroom to the first floor shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be 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. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and
- (9) the development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development 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.

124. **Appeals Report**

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

Resolved that the report be noted.

(The meeting ended at 9.23pm)