

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 29 November 2011 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Illingworth (Chairman); Councillors Mrs Blacklock, Brookes, Copping, Ms Dean, Mrs Higgins, Kinson, MacKay, Mobbs and Ms Weed.

(Councillor Mobbs substituted for Councillor Rhead.)

119. **DECLARATIONS OF INTEREST**

Minute Numbers 123 and 124 – W11/0761 and W11/0762 LB – 138 Parade, Leamington Spa

Councillor Ms Dean declared a personal interest because the property was in her Ward.

Minute Number 128 and 129 – W11/1017 and W11/1018 – Zizzi, 85-87 Parade, Leamington Spa

Councillor Ms Dean declared a personal interest because the property was in her Ward and she was a regular customer at the restaurant.

Minute Number 131 – ENF 226/30/11 – La Coppola, 86 Regent Street, Leamington Spa

Councillor Ms Dean declared a personal interest because the property was in her Ward and she was a regular customer at the restaurant.

Minute Number 130 – W11/1180 – Methodist Church, Dale Street, Leamington Spa

Councillor Ms Dean declared a personal interest because she was a Methodist Church member and knew a number of its members, but she was not on the roll of the church in Dale Street.

Minute Number 121 – W11/1062 – Land at Bosworth Close, Baginton, Coventry

Councillor MacKay declared a personal and prejudicial interest because four years ago he had done some work for the Applicants. He had also helped the Parish Council when it considered the application and would leave the room while the item was discussed.

120. **MINUTES**

The Chairman commented that the agenda for the meeting should have included an item to approve the minutes of the meeting held on 18 October 2011, but as these minutes had been circulated before the meeting, the Committee would consider their approval.

PLANNING COMMITTEE MINUTES (Continued)

The minutes of the meeting held on 18 October 2011 were agreed and signed by the Chairman as a correct record.

The minutes of the meeting held on 8 November 2011 were agreed and signed by the Chairman as a correct record, subject to two amendments stated below:

- (1) Minute Number 108 - Declarations of Interest
Councillor Illingworth had declared a personal interest that had not been recorded in the minutes: with regard to W11/0887 – 6 Kelvin Road, Lillington, Royal Leamington Spa in that he had employed the applicant as a builder
- (2) Applications W10/0340, 0341LB and 0342CA required the addition of reference to the verbal statement made to the Committee, at the meeting, that any approval would have to be referred to the Secretary of State as the application was not fully in accord with the Local Plan.

121. W11/1062 – LAND AT BOSWORTH CLOSE, BAGINTON, COVENTRY

The Committee considered an application from Baginton Green Limited for the erection of a single faith school building, 22 spaces for car parking, an area for coach parking, senior sports/play area, primary play area/overspill car parking, senior soft play area, associated landscaping and perimeter fencing. The school was intended to provide education for Brethren children at primary and secondary level.

The application was presented to the Committee because a number of letters of support had been received and it was recommended for Refusal.

The Committee had visited the site on Saturday 26 November 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case 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)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)

PLANNING COMMITTEE MINUTES (Continued)

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
Planning Policy Guidance 2 : Green Belts
RAP11 - Rural Shops and Services (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
Planning Policy Guidance 13: Transport
Planning Policy Statement 9 : Biodiversity and Geological Conservation
Planning Policy Statement 7 : Sustainable Development in Rural Areas
Planning Policy Statement 23 : Planning and Pollution Control

The case officer presented plans and photos of the site. The application site related to an area of open land approximately 1.68 hectares in area, washed over by Green Belt, which lay within the village of Baginton and was accessed from Bosworth Close. The site was open, uncultivated ground with scrub vegetation. Close by was the Grade I Listed St. John the Baptist Church and Baginton Castle with Baginton Conservation Area immediately to the south of the site.

The school was designed to accommodate some 200 pupils who lived in the surrounding Warwickshire and West Midlands area. The main catchment areas for the existing schools were Kenilworth, Leamington, Baginton and Coventry. The size of the school was larger than required at the present time for the existing number of pupils. The applicants stated that this was to allow for younger pupils who were currently in state schools and the anticipated level of organic growth in pupil numbers of the Brethren community in the Coventry, Leamington Spa and Kenilworth areas.

The scale of the proposals was based on the Copsewood Education Trust's typical requirements for a new school building to accommodate junior and senior pupils, supplemented by the design guidance offered within the DfES Building Bulletins 98 and 99 (BB98 and BB99). As an independent school there was no obligation to fully comply with the DfES documents, however, they had been used to calculate recommended floor areas for each of the school's facilities and teaching areas. Based upon an anticipated number of some 200 pupils, BB98 recommended a gross area of between 2,873m² and 2,975m². The proposal was slightly above this band, having a gross external area of 3,000m². The case officer was therefore of the view that the levels of accommodation were disproportional to the functional requirements.

The main considerations in determination of the application were:

whether the proposed development would constitute appropriate development in the Green Belt and, if not, whether there were very special circumstances which outweighed the harm by reason of inappropriateness and any other harm;

PLANNING COMMITTEE MINUTES (Continued)

the effect of the proposal on the character and appearance of the area and on the setting of the adjacent Grade I Listed Church and on the ruins of Baginton Castle, a Scheduled Ancient Monument;

whether the proposed development would cause unacceptable harm to the amenity of nearby residents (including users of the Church and its grounds) by reason of noise, disturbance, visual intrusion or loss of privacy; contamination;
access, traffic and highway safety;
drainage;
whether the proposed development would contribute towards national policy aimed at promoting sustainable development;
parking;
renewables; and
ecology.

The Warwick District Local Plan showed that the application site was washed over by Green Belt. The national policy set out in Planning Policy Guidance 2: *Green Belts* (PPG2) was that the construction of new buildings in a Green Belt was inappropriate unless they were for certain specified purposes, which did not include schools. The proposed development therefore constituted inappropriate development within the Green Belt, which according to PPG2 was, by definition, harmful. If a development was inappropriate, it rested with the applicant to demonstrate that very special circumstances existed, which clearly outweighed the harm arising from inappropriateness and any other harm.

The applicant had put forward a list of the circumstances to form a 'basket' of circumstances which, in their view, collectively formed the very special circumstances which outweighed the harm to the Green Belt.

The case officer then went through each of the applicant's arguments for special circumstances and it was his advice that the arguments did not amount to the very special circumstances necessary to justify the development within the Green Belt:

The case officer confirmed that he had visited both schools and agreed that the facilities were inadequate as described by the applicant. However, he believed that there were other sites on which the school could be built without using Green Belt land. The case officer mentioned examples of sites that should be considered and felt that the applicant had dismissed some sites for cursory reasons. He also considered that whilst desirable, it was not critical that both the primary and the secondary school were built on the same site.

The applicant claimed that as the site was centrally located to where pupils would travel from, a reduction in mileage by private vehicles in the order of 16% would be achieved when compared against current travel rates to the existing two schools. The case officer stated that the 16% saving on overall mileage was not considered that significant as the children were transported to and from school by mini bus, not by individual parents.

The applicant claimed that the proposals presented an opportunity to secure its remediation. The site was derelict land, and used to be a tip.

PLANNING COMMITTEE MINUTES (Continued)

Green Belt development policy stated that appropriate development should only take place within the Green Belt. PPG2 identified the most important attribute of the Green Belt was its openness. There was also no evidence to suggest that there was anything other than a minimal risk from the land if it were left undeveloped.

Reference was made to the extant planning permission for the erection of a clubhouse, car parking, three all weather tennis courts and two bowling greens. The case officer confirmed that these were considered to fall within the definition of a category of development acceptable in Green Belts.

The proposal was considered to be harmful to the setting of the adjacent Grade I Listed Church and the Scheduled Ancient Monument.

The public consultation process had resulted in 59 letters of objection and 29 letters of support, which indicated that there was a greater level of objection to the proposal.

In August 2011 the Government had issued a Policy Statement entitled "Planning for Schools Development". The case officer confirmed that this had been taken into account, but it was still considered that the proposed development would be inappropriate and would cause unacceptable harm to the Green Belt.

Therefore, the case officer recommended that the Committee should refuse the application.

Mr Bush, a local resident, expressed his objections to the application. He stated that it was not desirable to build on Green Belt land and that there were more suitable sites in the area for the proposed buildings that could be considered; more if the applicant would look at separate sites for the primary and secondary schools. Mr Bush also considered that the additional traffic in the area caused by parents taking and fetching their children to and from school would cause an unacceptable nuisance to local residents travelling at the same times. He predicted that there could be a 25% increase in the local population as parents might relocate to the area and did not feel that the school would provide any benefits to the local population. It was not funded by the state and the local population would not be allowed to use its facilities outside school operating hours. Mr Bush also disputed the validity of some of the letters of support that had been received in favour of the application.

Mr Doouss, a representative of the school's Christian group, spoke in favour of the application. He stated that parents appreciated the type of education offered by the school and that the proposals for the new school would not occupy much of the area and could improve it as the land where the school would be sited was derelict. He did not believe there would be traffic issues as most children would travel to or from the school by bus.

Mr Copestake, the applicant's agent, addressed the committee and pointed out that a five year search had been conducted to find a suitable site. He asserted that Brown Field sites had proven too expensive and the site at Ridgeway was not in a good location and had also been too expensive. The school had been designed sympathetically to its surroundings and English

PLANNING COMMITTEE MINUTES (Continued)

Heritage had not made any objections to the plans. He also stated that the Highways Authority had not made objections to the plans in respect of the transport issues.

Following consideration of the report, and presentation, along with the representations made at the meeting, it was proposed that the application should be refused in agreement with the officer's recommendation, but did not then find a seconder. There followed further discussion with several of the Committee members arguing the case to accept the proposals contrary to the case officer's recommendation providing a large number of conditions were placed on the application. It was suggested that the application could be discussed again at the next Committee meeting to allow officers time to draw up a list of conditions. The Council's solicitor informed the Committee that a condition that the school must allow the community to use its facilities outside of school operating hours could not be imposed. Further debate ensued on the conditions that had to be met to build on Green Belt and it was agreed that this application did not meet the conditions.

It was proposed and duly seconded that permission be granted in principle, contrary to the case officer's recommendations, and subject to conditions that the officer would determine. This motion was lost by five votes to four.

A motion to refuse the application in line with the case officer's recommendations for the three reasons given by the officer was proposed and duly seconded. This motion was carried by five votes to four.

RESOLVED that W11/1062 be REFUSED for the following reasons:

- (1) the site is situated within the Green Belt and Planning Policy Guidance Note 2 states that, within the Green Belt, the open character of the area will be retained and protected. It also 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 proposed development does not fall within any of the categories listed in the Guidance and, in the Planning Authority's view, very special circumstances sufficient to justify inappropriate development do not exist.

The proposed development would therefore be harmful to the Green Belt by reason of inappropriateness and because of its adverse impact on openness;

- (2) policy DP4 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which harms Scheduled Ancient Monuments or other archaeological remains of

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national importance, and their settings.

Policy DAP4 of the Warwick District Local Plan 1996-2011 states that development will not be permitted that will adversely affect the setting of a Listed Building. Policy DAP8 of the Warwick District Local Plan 1996-2011 also requires development to respect the setting of the Conservation Area.

The application site comprises part of the grounds of the former Baginton Hall. The remains of the wall at the rear of the church (north side) are perhaps a remnant of the former 'garden wall'. The Conservation Area leaflet for Baginton produced by the District Planning Authority states that the area "has never been re-developed and this has had an effect on the way in which the village has developed". The site is currently open ground which has a positive effect on the setting of the Grade I Listed Church, Scheduled Ancient Monument and Conservation Area. While the low level design of the building may mitigate against its visual impact, the proposed school would be sited in close proximity to the Church and the Scheduled Ancient Monument and the fact that the tallest part of the structure, the sports hall, would be closest to the Scheduled Ancient Monument and that this land and that of the grounds to the Church slope away from the application site would result in a development which would be both visible from and dominate the Church and Castle sites and thereby result in unacceptable harm to their settings.

The proposal is therefore considered to be contrary to the policies listed; and

- (3) national planning policies Planning Policy Guidance 13: Transportation and Land Use (PPS13) and Planning Policy Statement 1: Delivering Sustainable Development (PPS1) includes promoting accessibility by public transport, walking and cycling and reducing the need to travel, especially by car. Policy RAP11 of the Warwick District Local Plan 1996-2011 also states that the development of new local services within settlements will be permitted where they meet local service needs. The application site is located in a rural edge of village location with limited public transport links, which would make it particularly difficult

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for staff and pupils to travel by any means other than by car. Furthermore, it is seeking to serve more than the local service needs of the settlement. In the opinion of the District Planning Authority, the proposed development would therefore undermine national planning objectives of creating more sustainable patterns of development and local policies seeking to limit development in the rural area to that which meets a local need.

Councillor MacKay left the room whilst the item was discussed because he had declared a personal and prejudicial interest.

122. W11/0193 – BARNs 1 & 2, PLESTOWES HOUSE, HAREWAY LANE, BARFORD, WARWICK

The Committee considered an application from Mr Murdoch for a proposed change of use from offices (use Class B1) to two houses (Class C3), with minor alterations including erection of previously permitted garaging and infilling of garaging to form additional living accommodation.

The application was presented to the Committee because the recommendation was contrary to the support for the application from Barford, Sherbourne and Wasperton Joint Parish Council.

The case officer considered the following policies to be relevant:

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

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

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

SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

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

PA15 - Agriculture and Farm Diversification (West Midlands Regional Spatial Strategy)

It was the case officer's opinion that the main issues were whether the proposed development conflicted with the local plan policy RAP 1 (Directing new housing) which was designed to prevent the conversion of appropriate rural buildings to new dwellings remote from Limited Growth Villages whether for local need or for the open market together with proof that non residential uses were not appropriate or viable.

In addition, the report argued if the proposed development was an appropriate rural building for conversion in accordance with the criteria in local plan policy RAP7 (converting rural buildings) particularly whether it gave rise to legitimate planning objections which would outweigh the benefits of re-use.

The case officer stated that the proposed use of the barns as dwellings individually or collectively was likely to result in unacceptable harm to the

PLANNING COMMITTEE MINUTES (Continued)

living conditions of future occupants by reason of abutting a working farm, which was not in the ownership or control of the applicant contrary to local plan policy DP2.

Also, whether the proposed development would result in the unacceptable restrictions in agricultural activities on the adjacent working farm such that it would undermine the general promotion of agriculture contrary to policy PA15 in the Regional Spatial Strategy.

Finally, whether the loss of employment land and buildings inherent with an application for dwelling complied with the criteria of policy SC2 'Protecting Employment Land and Buildings and whether the parking provision met the appropriate parking standards in accordance with local plan policy DP8 and the Parking SPD.

Therefore, the case officer recommended that the Committee should refuse the application.

Mr Smith, a Chartered Surveyor, speaking on behalf of the owner of the neighbouring property, a working farm, expressed objections to the application. He considered that residential property development on the site was inappropriate especially in relation to noise and dust issues when the two grain dryers were in use. He also stated that residents would object to the odours from cattle at the farm.

Councillor Rhead, spoke in support of the application in his capacity as Ward and Parish Councillor. He claimed that the officer's report had not given sufficient details of all of the facts. The Parish Council felt that the change of use was the best sustainable action and that traffic concerns would not be great as residential properties did not cause so much traffic. The noise and dust issues caused by the grain dryers would not be a problem as these were mainly used in August, and the use would diminish as the farm was now organic. The claims that the dryers were used year-round were incorrect and they only operated between the hours of 10.00 am to 7.30 pm. He asserted that the odours produced by livestock were a familiar part of the countryside. Councillor Rhead stated that exhaustive searches had been made to find tenants to use the barns as offices, but it was unlikely that this would be successful. Office users would generate more traffic and the cost of the business rates would be unsustainable. He stated that clauses would be added to any letting agreements for residential properties to make it clear that the properties were next to a working farm with grain dryers.

Following consideration of the report, presentation, and having heard the representations made at the meeting it was proposed, but not seconded, that the application should be refused in agreement with the officer's recommendation.

Some members of the Committee considered that the issues with the site could be accommodated. It was proposed, duly seconded and carried by five votes to four that any decision should be deferred until a site visit had been conducted.

PLANNING COMMITTEE MINUTES (Continued)

Officers were asked to make arrangements to make a request to the farm owner that the machinery be switched on whilst the site visit was in progress so that the noise and other nuisance issues could be established.

RESOLVED that application W11/0193 be DEFERRED to allow a site visit to take place because it would be of significant benefit to them when determining the application.

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123. W11/0761 – 138 PARADE, LEAMINGTON SPA

The Committee considered an application from Mr S. Munyal for a change of use from offices to an eight bedroom house in multiple occupation; erection of a new roof to the rear wing; and alteration to the roof of the rear stair extension. This was a retrospective application.

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

The case 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)
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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Open Space (Supplementary Planning Document - June 2009)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the case officer's opinion that the main issues were the principle of permitting a conversion to a house in multiple occupation in this location; the impact on the living conditions of neighbouring dwellings; the living conditions of future occupants of the proposed development; the impact on the character and appearance of the Listed Building and the Conservation Area; and car parking.

The case officer considered that a conversion to a house in multiple occupation was acceptable in principle in the location. The site was not situated within a protected employment area and therefore the loss of the existing offices was in accordance with Local Plan Policy TCP9. As the proposals were for the conversion of an existing building within the urban area to residential use, the proposals were also in accordance with Local Plan Policy UAP1.

PLANNING COMMITTEE MINUTES (Continued)

The case officer recommended that the application should be granted subject to conditions. The reasons for approval were that 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.

Furthermore, the proposals provided a satisfactory living environment, would not adversely affect the living conditions of nearby dwellings and would have an acceptable impact in terms of car parking. The proposal was therefore considered to comply with the policies listed.

The Committee expressed concerns over the refuse bins in the alleyway, but were mindful that this was not relevant to the application and should be dealt with outside of the meeting. The Council's solicitor confirmed that a condition to enforce that the alleyway was kept clear could not be included because it was not clear who owned the alleyway.

Following consideration of the report and the presentation the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation.

RESOLVED that W11/0761 be GRANTED subject to the following conditions:

- (1) this permission shall relate strictly to the details shown on the application form and approved drawing(s) AL(BR)02G, AL(BR)03B, AL(BR)04A & AL(BR)05, and specification contained therein, submitted on 14 June 2011, 4 July 2011 & 15 November 2011, 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;
- (2) the renewable energy scheme submitted as part of the application shall be retained at all times and shall be maintained strictly in accordance with manufacturers' specifications. **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
- (3) the noise mitigation measures specified in the Noise Impact Assessment no. IEC2360/01/AVH by IEC, submitted on 21 July 2011, shall be retained at all times, unless agreed otherwise in writing by the District Planning Authority. The exterior of the residential accommodation hereby permitted (including the party wall, flanking paths and glazing) shall at all times

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retain adequate sound insulation to meet the following maximum noise levels for living rooms and bedrooms within the development:

- (i) within living rooms between 0700 and 2300 hours: 35 dB(A) Leq16 hours; and
- (ii) within bedrooms between 2300 and 0700 hours: 30 dB (A) Leq8 hours.

REASON: In the interests of the amenities of future occupiers of the building, in accordance with the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011.

124. W11/0762 LB – 138 PARADE, LEAMINGTON SPA

The Committee considered a retrospective application from Mr Munyal for regularising the works to erect new roof to rear wing; installation of air source heat pump; alteration to roof of rear stair extension; and internal alterations including the removal of existing walls and the insertion of new walls and the installation of replacement doors.

Some amendments had been made to the application including an alteration to the roofing material for the rear wing to reconstituted / artificial slate due to the pitch being inadequate for natural slate; proposals to replace some windows and doors were omitted; a further noise report was submitted; and acoustic ventilation and ceiling / roof specification was confirmed.

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

The Committee had visited the site on Saturday 26 November 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:

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

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

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

It was the case officer's opinion that the main issue relevant to the consideration of the application was the impact on the character and appearance of the Listed Building and the Conservation Area.

He was satisfied that the development had preserved the character and appearance of the Listed Building and the Conservation Area. Following pre-application discussions with the Council's Conservation Architect, the principal first floor room at the front of the building had been retained to

PLANNING COMMITTEE MINUTES (Continued)

the original proportions. A condition was recommended to ensure that the cornice to this room was restored.

It had been necessary to roof the rear wing with artificial slates, which would not normally be considered acceptable on a Listed Building. However, the case officer had investigated and consulted with the Council's Conservation Architect and had accepted the approach used by the applicant. The other internal and external alterations that were shown in the application had not adversely affected any historic features of note. The air source heat pump had been discretely located within the courtyard at the rear of the site.

The case officer recommended that the application should be granted subject to conditions. The reasons for approval highlighted that 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.

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

The Committee asked that future reports on applications for Houses in Multiple Occupation (HMO's) should indicate the number of existing HMO's in the immediate area.

RESOLVED that W11/0762LB be GRANTED subject to the following conditions:

- (1) this permission shall relate strictly to the details shown on the application form and approved drawing(s) AL(BR)02G, AL(BR)03B, AL(BR)04A & AL(BR)05, and specification contained therein, submitted on 14 June 2011, 4 July 2011 & 15 November 2011, 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
- (2) within two months of the date of this consent, details of the restoration to the cornice in bedroom 1 shall be submitted to and approved in writing by the District Planning Authority. Within two months of such approval, the cornice shall be restored in strict accordance with the approved details. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local

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Plan 1996-2011.

125. W11/0779 – 8 HOPTON CROFTS, LEAMINGTON SPA

The application was withdrawn from the agenda at the request of Development Services.

126. W11/0938 – THE SPINNEY, RISING LANE, LAPWORTH, SOLIHULL

The Committee considered an application from Mr G Grey for the proposed replacement of stables.

The application was presented to the Committee as it was being recommended for approval but Lapworth Parish Council had made an objection to the proposal.

The case officer considered the following policies to be relevant:

Planning Policy Guidance 2 : Green Belts

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

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

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

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

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

The case officer explained that in respect of the Green Belt, where there was a general presumption against inappropriate development, Planning Policy Guidance 2 Green Belt listed acceptable forms of development which included essential facilities for outdoor recreation. This amended application was considered to be in accordance with PPG2 Green Belt Policy.

There were no plans to alter the existing rear access and the location of the stables was set within the site and screened by existing trees and hedges. It was, therefore, the case officer's opinion that the proposal would have no further impact on Packwood House than already existed and was in accordance with DAP11 of the Warwick District Local Plan 1996-2011.

He also considered that the amenities of the neighbouring properties would not be harmed because of the remote location which was surrounded by trees and hedges. The stables were to be built in material sympathetic to their rural setting. Concern had been raised about the height of the roof which would not allow horse boxes through this access. However there was an alternative access via a drive on Rising Lane which provided a route to the stables.

The case officer stated that it was not necessary to provide energy requirements from any renewable energy resources as the proposal was for replacement stables and not for any living accommodation.

The case officer recommended that the application should be granted subject to conditions.

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

RESOLVED that W11/0938 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 application form, site location plan and approved drawing(s) 457 12 Rev.A, 457 06 Rev.K, and specification contained therein, submitted on 05/08/11 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;
- (3) the existing stables and garage shall be demolished in its entirety and all materials removed from the site within one calendar month of occupation of the replacement stables hereby permitted. **REASON:** Since the new stables hereby permitted is as a replacement only, in accordance with policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

127. W11/0977 – 33 HILL WOOTTON ROAD, LEEK WOOTTON, WARWICK

The Committee considered an application from Mrs Bains-Pruthi for the erection of a two-storey side extension and replacement of a pitched roof to the existing detached garage.

The application was presented to the Committee because it was being recommended for approval but Leek Wootton Parish Council had made an objection to the proposal.

The case officer considered the following policies to be relevant:

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

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

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

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

Residential Design Guide (Supplementary Planning Guidance - April 2008)
Sustainable Buildings (Supplementary Planning Document - December 2008)

RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

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

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

Planning Policy Guidance 2 : Green Belts

The case officer explained that the dwelling was built within the built-up area of the village where the actual visual impact of the proposals on the openness of the rural area was more limited. The dwelling was part of a 1960s estate of suburban style dwellings where many had benefited from large extensions, and there were several examples in the area of flush extensions. The proposed extension was in the same format as that approved on the dwelling on the opposite corner of The Hamlet. Therefore the case officer felt that the provision of a two-storey extensions which was not subservient in design to the original house would be acceptable as there would be no material harm to the openness of the Green Belt, and no adverse impact upon the character of the surrounding area.

An objection had been received stating that the extension could affect the open aspect of the entrance to The Hamlet. The case officer felt that there would not be significant harm caused to surrounding dwellings. The extension was sited a minimum of 13 metres from the boundary and was on the opposite side of the house to property number 35. Whilst the extension would be visible to properties on the opposite side of the road, it would not cause demonstrable harm. The roof extension to the garage would not cause harm to property number 2 since that property's garage lay adjacent to the boundary and there were no side windows. One objector claimed not to have been consulted, but the case officer assured the Committee that the proper notification process had been adhered to.

PLANNING COMMITTEE MINUTES (Continued)

The case officer recommended that the application should be granted subject to conditions.

The Committee was surprised that the ridgeline of the extension was flush with the original building contrary to planning policy for extensions. The case officer explained that within the settlement, a precedent had already been set for this and so in the case of this application, the issue had become one of designing the extension to fit in with the existing settlement. He assured the Committee that the materials for the extension would match the existing.

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

RESOLVED that W11/0977 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 application form, site location plan and approved drawing(s) (DA 211713), and specification contained therein, submitted on 27 July 2011 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;
 - (3) no work of any kind shall be begun on the site until a protective fence around the fir tree identified as being retained on the approved plans, has been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies
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PLANNING COMMITTEE MINUTES (Continued)

DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, 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 maintained strictly in accordance with manufacturers' specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (5) 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
- (6) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the sections of hanging tiles of the building to be affected. All material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

128. W11/1017 – ZIZZI, 85-97 PARADE, LEAMINGTON SPA

The Committee considered a retrospective application from the Gondola Group Limited for the retention of two jumbrellas.

The application was presented to the Committee to request that enforcement action was taken.

The Committee had visited the site on Saturday 26 November 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case 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)

Design Advice on Shop Fronts & 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)

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

The case officer explained that the application property was set back from the Parade behind a paved area, and the site was adjacent to the Grade II Listed Regent Hotel.

The main issue relevant to the consideration of this application was the impact on the setting of the adjacent Grade II Listed Regent Hotel and the character and appearance of the Conservation Area.

The report highlighted that the Regent Hotel was one of the most important buildings within the Conservation Area. The application property was set back from the Parade and this ensured that the side elevation of the Regent Hotel was prominent in the street scene. The jumbrellas that had been installed to the front of the application property represented substantial modern structures with a shape and design that was not in keeping with the Regency character of the area.

It was felt that the jumbrellas intruded into an important view of the Regent Hotel and obscured parts of the side elevation of the hotel from certain vantage points. The case officer was of the opinion that the jumbrellas therefore caused unacceptable harm to the setting of the Grade II Listed Building and the character and appearance of the Conservation Area.

The case officer noted that the jumbrellas installed were not actually what was had been detailed on the application and reminded the Committee to be mindful on passing judgement on what was installed and what was proposed. The jumbrellas on the proposal had been smaller and grey in colour, not the bright pink actually installed.

PLANNING COMMITTEE MINUTES (Continued)

Therefore, the case officer recommended that the application should be refused.

Following consideration of the report and presentation the Committee discussed the application. Some members of the Committee felt that the jumbrellas were not an issue to the street scene and did not adversely affect the Regent Hotel.

It was proposed, and duly seconded, that the application be granted contrary to the officer's recommendations. There was some discussion on whether the jumbrellas should be fixed in situ or mobile and the case officer explained that the jumbrellas were fixed and if they were mobile, planning consent was not a requirement. The Committee agreed that if permission was granted, then the jumbrellas must be grey in colour.

A vote was taken on the motion to grant permission, and it resulted in an even vote of five against five. The Chairman took a casting vote against the motion, in favour of the case officer's recommendation.

It was then proposed, and duly seconded, that the proposal be refused in accordance with the officer's recommendation. This resulted in a vote of six votes to four and the motion was carried.

RESOLVED that W11/1017 be REFUSED for the following reason:

- (1) policy DAP4 of the Warwick District Local Plan 1996-2011 states that development will not be permitted that will adversely affect the setting of a Listed Building. Furthermore, Policy DAP8 of the Warwick District Local Plan 1996-2011 requires that development preserves or enhances the special architectural and historic interest and appearance of the District's Conservation Areas.

The application site is situated alongside the Grade II* Listed Regent Hotel, one of the most important buildings within the Leamington Spa Conservation Area. The application property is set back from Parade and this ensures that the side elevation of the Regent Hotel is prominent in the street scene. The jumbrellas that have been installed to the front of the application property represent substantial modern structures with a shape and design that is not in keeping with the Regency character of the area. The jumbrellas intrude into an important view of the Regent Hotel and obscure parts of the side elevation of the hotel from certain vantage points. In the opinion of the District Planning Authority, the jumbrellas therefore cause unacceptable harm to the setting of the

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PLANNING COMMITTEE MINUTES (Continued)

Grade II* Listed Building and the character and appearance of the Conservation Area.

The proposals are therefore considered to be contrary to the aforementioned policies.

A further motion was put forward to authorise the enforcement action to secure the removal of the jumbrellas within a compliance period of one month. The motion was carried by six votes to four.

RESOLVED that on W11/1017, enforcement action is authorised to secure the removal of the jumbrellas with a compliance period of one month.

129. W11/1018 – ZIZZI, 85-87 PARADE, LEAMINGTON SPA

The Committee considered an application from the Gondola Group Limited for the retention of six non-illuminated windbreaks with text and two non-illuminated jumbrellas with text.

The application was presented to the Committee because it had been requested that enforcement action be taken in relation to the associated planning application W11/1017, minute number 128.

The Committee had visited the site on Saturday 26 November 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:

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

Design Advice on Shop Fronts & 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)

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

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

The case officer noted that there were two elements to this application; the windbreaks and the jumbrellas as described on the plans. The Chairman recommended that the Committee vote on each of these two elements separately.

The case officer commented that the key issues concerning the jumbrellas were the same as for the previously discussed application W11/1017. He therefore had formed the opinion that the jumbrellas caused unacceptable harm to the setting of the Grade II Listed Building and the character and appearance of the Conservation Area.

The Conservation Area Advisory Forum had raised concerns about the principle of permitting the installation of windbreaks in the location, but the

PLANNING COMMITTEE MINUTES (Continued)

case officer was not convinced that a refusal of advertisement consent was justified on these grounds. The windbreaks were set well back from the street and did not intrude into the views of the Regent Hotel due to their limited height. The Council's Conservation Architect had not objected to the windbreaks in principle, although he had raised concerns about the large circular logo. However, the case officer said that the logo was not a particularly prominent or striking feature due to the colours and design that had been used and they were set back from the Parade, behind railing and various street furniture. He, therefore, considered that a refusal of advertisement consent would not be justified on these grounds.

A motion was put forward to recommend approval of the windbreaks. The Chairman noted that the case officer had, in his report under the "Recommendation" section, omitted to state that the windbreaks should be approved, and that this was correct as the windbreak part of the application related to advertising only. The motion was carried nine votes to one.

RESOLVED that application W11/1018 for six non-illuminated windbreaks with text be GRANTED in accordance with the case officer's recommendation.

The Committee then proceeded to discuss the jumbrella section of the application.

A motion was put forward to grant permission for two non-illuminated jumbrellas with text, contrary to the case officer's recommendation. The Committee noted that the proposed jumbrellas were grey and the advertising would not be intrusive. The Committee clarified that the colour of the jumbrellas must be grey as per the application proposals. It was noted that there would not be objections to the use of jumbrellas provided they were moveable.

RESOLVED that application W11/1018, permission for two non-illuminated jumbrellas with text, be GRANTED contrary to the case officer's recommendation.

130. W11/1180 – METHODIST CHURCH, DALE STREET, LEAMINGTON SPA

The Committee considered an application from the Methodist Church for the installation of photovoltaic panels. Cladding of existing fascia board, soffits and barge boards with white powder coated aluminium units.

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

The Committee had visited the site on Saturday 26 November 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:

PLANNING COMMITTEE MINUTES (Continued)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)

The case officer stated that the main issue in the consideration of this application was the impact on the character and appearance of the Conservation Area. The case officer informed the Committee that originally the photovoltaic panels would have covered a large area of the Church roof and would have been visible from the street. The scheme had subsequently been revised and the panels were now going to be 3.5 metres away from the roof parapet. Both CAAF and the Council's Conservation Officer found the amended proposals acceptable because, firstly, the small part of the roof that was visible when walking or driving up the west-side of Dale Street would be largely free of panels.

Secondly, the view from the less-walked, east-side pavement was enhanced by there now being the uncovered slate roof seen behind the ridge of the main parapet rather than the panels.

The case officer stated that the proposal benefitted from the installation of the photovoltaic panels, in the sense that the Church was proactively seeking to reduce their energy costs by this proposal which allowed them to take advantage of the Government's incentive of "feed-in-tariffs". The proposed scheme would generate approximately 8,400 Kilowatt of carbon-free electricity per year, off-setting the typical consumption of 2.5 households. In addition, potentially over 10 or more years (till the 25 year point); the scheme would contribute towards the upkeep costs of the building which supported 25 community organisations.

Therefore, the proposal to install on the roof of the Church was considered in accordance with policies DAP8 and DP13 of the Warwick District Local Plan 1996 - 2011 and the Council's Adopted Supplementary Planning Document, 'Sustainable Buildings' 2008.

With regard to the cladding, the case officer stated that the metal finish would give a clean and smooth appearance to the buildings, rather than the existing painted fascia, which showed the paint peeling off and had a rundown appearance. The Conservation Officer considered that, in terms of the powder coated aluminium eaves, this was acceptable, subject to samples being submitted. The use of UPVC in this location was preferable and it would avoid the need for painting of the existing high level timber fascias on this 1960s building. The proposed new material would also help with the maintenance of the property. As such, the proposed cladding complied with policies DP1 and DAP8 of the Warwick District Local Plan 1996 - 2011.

The case officer recommended that the application should be granted subject to conditions.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report and presentation, the committee decided to grant the application in accordance with the officer's recommendation and with the conditions listed.

RESOLVED that W11/1180 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing Block Plan, and Photos Revision 3: 3.5m from front parapet-end of roof specification contained therein, submitted on 16 September 2011, and 10 November 2011 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 DAP8 of the Warwick District Local Plan 1996-2011; and
- (2) samples of all external facing materials to be used for the cladding material 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.

The Committee recognised the work done by the officers to negotiate an acceptable outcome for this proposal.

131. **ENF 226/30/11 – LA COPPOLA, 86 REGENT STREET, LEAMINGTON SPA**

The Committee considered an enforcement case at a property owned by Mr and Mrs Ahmadi in respect of altering a Grade II Listed Building without consent by installing a new front surround and sign.

The Committee had visited the site on Saturday 26 November 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (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)
Design Advice on Shop Fronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

The case officer stated that there had been an extensive and varied planning history for the property, including Advertisement Consent for canopy advertisements being refused on 9 September 2008; Listed Building Consent for installation of awning at fascia level was refused on 30 November 2010; and a Listed Building Enforcement Notice was issued on 19 February 2009 for removal of an unauthorised canopy, complied with on 10 November 2009 after an appeal against the Notice was dismissed on 4 September 2009.

A similar notice was also issued on 1 October 2010 for removal of a further unauthorised replacement canopy. This was complied with on 19 May 2011 after an appeal against the notice was similarly dismissed on 8 February 2011.

The case officer stated that the main issue was whether the unauthorised alterations would preserve the special architectural or historic interest of the listed terrace.

The building formed part of a Grade II Listed terrace (comprising of numbers 86, 86a, 88 and 90) dating back to c1814-1836, with later additions including mid C-20 shop front. The principal facade was stucco rendered and at first floor level there was a continuous cast iron balcony balustrade which emphasised the overall cohesiveness of the group. Also at first floor there were two 10-pane French windows with margin lights in plain reveals.

There were at least 16 further Grade II Listed Buildings within the immediate vicinity of the application property, mostly dating from the early 19th Century, and the whole of Regent Street lay within the Royal Leamington Spa Conservation Area.

The unauthorised shop front surround was of mock dark stone, with a metallic light gold band inserted throughout, reflective in type with black lettering inserted over the front door stating 'LA COPPOLA', underlined in black, with 'RISTORANTE' in smaller block lettering in black underneath.

This part of the street was characterised by predominantly two and three storey buildings of simple appearance. Frontages were, for the most part, relatively narrow and retained individual shop fronts of varied but conventional designs that generally reflected the character of the building concerned and the area as a whole.

Most of the fascia signs were of a traditional appearance, compatible with the historic character of the area.

Shop fronts on either side of the application site were of traditional design, and broadly sympathetic to the historic character of the properties concerned and of the wider area. It was the case officer's view that the shop front surround and the sign were wholly unsympathetic to the

PLANNING COMMITTEE MINUTES (Continued)

character of the building. Their appearance materially detracted from the elegant simplicity of the Regency design of this group of buildings. As a result, it was considered to cause harm to the special architectural and historic interest of the listed terrace and appeared as an incongruous element within the street scene and Conservation Area.

The case officer explained that contact had been made with the owners and the situation fully explained but the matter had not been resolved. The service of a Listed Building/Enforcement Notice was now the only option available to rectify this breach.

The case officer recommended that officers be authorised to take appropriate enforcement action directed at the removal of the unauthorised shop front surround and signage and the restoration of the permitted frontage, with a period of compliance of three months.

Following consideration of the report and presentation, it was proposed and duly seconded, that officers be authorised to take appropriate enforcement action because there was a general consensus that the front surround and sign were out of keeping with the street scene.

There was some discussion relating to whether action could be taken regarding the railing and greenery at the top of the building. The case officer informed the Committee that the Enforcement Notice previously served had included the greenery, but the Enforcement Officer had removed the clause because it was not a development issue.

RESOLVED that enforcement action ENF 226/30/11 be AUTHORISED directed at the removal of the unauthorised shop front surround/signage and the restoration of the permitted frontage, with a period of compliance of three months.

(The meeting ended at 9.56 pm)