

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 17 January 2012 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

(Councillor Mobbs substituted for Councillor Mrs Higgins and Councillor Williams substituted for Councillor Rhead)

145. **DECLARATIONS OF INTEREST**

Minute Number 147 – W11/1339 – 20-24 High Street and 2-8 Swan Street, Warwick

Councillor Kinson declared a personal interest because the application was in his ward.

Minute Number 148 – W11/1362 – 122 Warwick Street, Leamington Spa

Councillor Ms Dean declared a personal interest because the application was in her ward.

Minute Number 149 – W11/1251 – Land at Stratford Road, Warwick

Councillor Kinson declared a personal interest because the application was in his ward.

Minute Number 150 – W11/0621 – Tollgate House, Banbury Road, Bishops Tachbrook, Leamington Spa

Councillor Brookes declared a personal interest because the application was in his ward and the item had come before the Committee at his request. He also pointed out that he had not been involved in Parish Council discussions on planning applications.

Minute Number 152 & 153 – W11/1089 & W11/1090 CA – Leafields Farm, Stratford Road, Warwick

Councillors Kinson and Mobbs declared personal interests because the applicant was known to them. Councillor Mobbs pointed out that he had not been involved in Parish Council discussions on planning applications.

Minute Number 154 & 155 – W11/1184 & W11/1185 LB – The Queen and Castle, Castle Green, Kenilworth

Councillor Brookes declared a personal interest as a member of CAMRA. Councillors Mrs Blacklock and Illingworth declared personal interests because the application was in their ward. Councillor Illingworth also declared a personal interest because previously, as a Kenilworth Town

PLANNING COMMITTEE MINUTES (Continued)

Councillor, he had taken an interest in applications and signage relating to this building.

Minute Number 157 – W11/1314 – 18 Augusta Place, Leamington Spa

Councillor Ms Dean declared a personal interest because the application was in her ward.

Minute Number 158 – W11/1316 – 95 Radford Road, Leamington Spa

Councillor Weed declared a personal interest because the application was in her ward and the applicant was known to her.

Minute Number 159 – W11/1318 – 7 Walnut Drive, Leamington Spa

Councillors Ms Dean and MacKay declared personal interests because the applicant was a Council employee who they sometimes had occasion to work with.

Minute Number 160 – W11/1326 – 14 Hall Close, Stoneleigh, Coventry

Councillor MacKay declared a personal interest because the application was in his ward.

Minute Number 161 – W11/1367 – Opus 40, Birmingham Road, Warwick

Councillor Williams declared a personal interest because the application was in his ward.

Minute Number 162 – ENF109/14/11 – Joseph Arch, 7 Bridge Street, Barford, Warwick

Councillor Brookes declared a personal interest as a member of CAMRA.

146. **MINUTES**

The minutes of the meetings held on 29 November and 20 December 2011 were approved and signed by the Chairman as a correct record.

147. **W11/1339 – 20-24 HIGH STREET AND 2-8 SWAN STREET, WARWICK**

This item was withdrawn at the request of officers, in order to allow time for them to consider a late objection received from Warwickshire County Council's Highways Department.

148. **W11/1362 – 122 WARWICK STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr B Jeavons for change of use of part of the property from offices to House In Multiple Occupation (HIMO) accommodation.

The application was presented to the Committee because an objection had been made by Royal Leamington Spa Town Council and because it was

PLANNING COMMITTEE MINUTES (Continued)

recommended that planning permission be granted subject to the completion of a legal agreement.

The Committee had visited the site on Saturday 14 January 2012 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)
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)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (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)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Open Space (Supplementary Planning Document - June 2009)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Distance Separation (Supplementary Planning Guidance)
Vehicle Parking Standards (Supplementary Planning Document)

It was the case officer's opinion that the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. The proposal was therefore considered to comply with the policies listed.

Mrs L Power addressed the Committee, objecting to the application on the grounds that it was contrary to policies DP2 and DP10, having a detrimental effect on parking and bringing more students into an area which already had a high concentration of them, and which could have a damaging effect on the community.

Mr B Jeavons spoke in support of his application, suggesting that the current use of the premises was unsustainable and would make a better contribution to the local economy as student accommodation. He suggested that the parking requirement would be lower than if it remained an office, with students favouring good public transport links over cars.

Ward Councillor Weber addressed the Committee, reluctant to object because it appeared to be a modest and reasonable application, but concerned about the high level of HIMO's and student accommodation in the area. He suggested that the premises could be used to accommodate a variety of people rather than just students, but that as it stood it would have a detrimental effect on residents. Being in a retail area, its removal would also remove the potential for further office space.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report and presentation, along with the representations made at the meeting, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation, subject to the completion of a legal agreement to secure the open space contribution, and an amendment to condition 5 in order to clarify which windows it refers to.

RESOLVED that W11/1362 be GRANTED subject to a legal agreement to secure the open space contribution and 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 drawings Location and Block Plan, Proposed Roof and Elevation, Proposed floor plans, and specification contained therein, submitted on 28 December 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 development shall be carried out on the site which is the subject of this permission, until large scale details of the proposed windows, including 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 the proposed windows would be in character with the building;
- (4) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with

PLANNING COMMITTEE MINUTES (Continued)

the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and

- (5) prior to the occupation of the development hereby permitted, the proposed windows on the ground floor in the elevation to Warwick Street 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 the property and or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

149. W11/1251 – LAND AT STRATFORD ROAD, WARWICK

The Committee considered an application from Kestrel Properties Ltd for the erection of 91 dwellings and associated infrastructure & landscaping.

The application was presented to the Committee because the recommendation was contrary to an objection made by Warwick Town Council and because it was recommended that planning permission be granted subject to the completion of a legal agreement.

The case officer considered the following policies to be relevant:

- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- 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)
- DP5 - Density (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (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)
- Vehicle Parking Standards (Supplementary Planning Document)

PLANNING COMMITTEE MINUTES (Continued)

PA6 Portfolio of Employment land and Premises (West Midlands Regional Spatial Strategy 2008)

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Statement 4: Planning for Sustainable Economic Growth

Planning Policy Guidance 13: Transport

Planning Policy Statement 25: Development and Flood Risk

Although the proposal was contrary to policies SC2 and UAP1 of the Local Plan and policy PA6 of the West Midlands Regional Spatial Strategy, it was the case officer's opinion that the following were material considerations which outweighed the conflict with the development plan: limited harm caused to employment land supply through the loss of this particular site given its size, nature and location; the contribution the proposal would make to meeting the District's housing needs in a sustainable location within the urban area; the ability of the proposal to support the delivery of the outstanding community infrastructure within the South West Warwick allocation; and the Government's statement in supporting economic growth and maintaining a flexible supply of land for housing. In all other respects the proposal complied with the policies listed.

An addendum circulated at the meeting recommended an additional condition proposed by the Environment Agency and a change to the recommendation in the report which should read £70,000 in respect of the S106 agreement, not £90,000. The addendum also included some advice from the Environment Agency and further observations from the Local Highway Authority, welcoming a contribution of £50 per dwelling for sustainable travel packs.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation, with an additional condition as recommended by the Environment Agency and detailed in the addendum (condition 11). It was also agreed that a revision to the resolution be made, detailed in the addendum, that the application be subject to the completion of a S106 agreement to secure 40% affordable housing, a contribution of £70,000 towards the Chase Meadow Community Centre, a contribution of £50 per dwelling for sustainable travel packs, and the dedication of the land for public open space to the Council and a commuted sum for its laying out and maintenance.

RESOLVED that W11/1251 be GRANTED subject to the conditions listed below and completion of a S106 agreement to secure 40% affordable housing, a contribution of £70,000 towards the Chase Meadow Community Centre, a contribution of £50 per dwelling for sustainable travel packs, and the dedication of the land for public open space to the Council and a commuted sum for its laying out and maintenance:

- (1) this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the

PLANNING COMMITTEE MINUTES (Continued)

District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced: -

- (a) layout
- (b) scale
- (c) appearance
- (d) landscaping

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 as amended;

- (2) in the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990;
- (3) the development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety;
- (5) the development shall be laid out and constructed in general accordance with the Proposed Site Plan 1045-121 Rev PA. Access for vehicles/pedestrians to the site shall not be made other than at the position identified on the approved drawing number 1045-121 Rev PA. The development shall not be commenced until an access for vehicles/pedestrians has been provided to the site not less than 5.5 metres in width at any point, as measured from the near edge of the public highway carriageway.

PLANNING COMMITTEE MINUTES (Continued)

REASONS: Estate roads including footways, verges, and footpaths are designed and laid out in accordance with the principles set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001' and constructed in accordance with the Highway Authority's standard specification. To ensure compliance with the Council's standards, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (6) the development hereby permitted shall not commence until two weeks notice in writing of the start of works has been given to a suitably qualified ecologist appointed by the applicant to supervise all ground work elements of the development within the site to ensure protected species -great crested newts, nesting birds and reptiles- are not harmed by the works.

REASON: To ensure the protected species are not harmed by the development;

- (7) prior to the development hereby approved commencing the results of the ground gas monitoring should be submitted in writing and approved by the Local Planning Authority.

REASON: To establish which mitigating measures are required;

- (8) 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;

- (9) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

REASON: This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (10) the development hereby permitted shall not commence unless and until a scheme detailing a buffer or bunding along the boundary of the residential properties and the approved B1, B2, B8 uses adjacent to the application site, has been submitted and approved by the District Planning Authority and thereby maintained for the lifetime of the development. **REASON:** To protect the residential amenity of the residential properties in accordance with the policy DP2 of the Warwick District Local Plan 1996-2011; and
- (11) development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include the following detail:

- The design of the proposed drainage system should show that no above ground flooding occurs in a 30 year event, and that if flooding occurs in the 100 year event (plus climate change) that it remains on site and safe. If above ground flooding does occur in the 100 year event (plus climate change) it should be demonstrated that it remains on site & safe via topographic plans, calculations (e.g. Microdrainage), manhole schedules and text. This information should show any flow routes, locations of ponding, depths of ponding and durations of ponding. Evidence should also be submitted to show the determination of the critical storm durations for both summer and winter rainfall events.
- The FRA states that the use of soakaways should be considered as a primary method of disposal of surface water. Soakaway tests should therefore be undertaken and the accompanying report submitted for comment.

PLANNING COMMITTEE MINUTES (Continued)

- Details of how the scheme shall be maintained and managed after completion.
REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

150. **W11/0621 – TOLLGATE HOUSE, BANBURY ROAD, BISHOPS TACHBROOK, LEAMINGTON SPA**

The Committee considered a retrospective application from Guide Dogs for the Blind for installation of 8 pole mounted CCTV cameras along the site perimeter and the installation of health and safety flood lighting to a roof mounted plant, for essential maintenance purposes.

The application was presented to the Committee because a number of objections had been received and because Councillor Brookes had requested that it be presented.

An addendum circulated at the meeting detailed additional comments which had been received from Bishops Tachbrook Parish 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)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
Warwickshire Landscape Guidelines SPG

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of the visual amenity of the area or the living conditions of occupiers of neighbouring properties which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation, subject to the amendment of condition 2 to require further screening where necessary to prevent any cameras from seeing into private land.

RESOLVED that W11/0621 be GRANTED subject to the following conditions:

- (1) the development hereby permitted relates strictly to the details shown on the application form, site location plan, manufacturer's technical details, photographs and approved drawings (drawing numbers 63-1-01, 700-10497-02-A), and specification contained therein, submitted on 11 May 2011, 9 August 2011, 29 November 2011 and 21 December 2011 unless first agreed

PLANNING COMMITTEE MINUTES (Continued)

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) within 1 calendar month of the date of this planning permission, the CCTV camera screens shown on the drawing submitted to the District Planning Authority on 29 November 2011 shall be installed on all of the CCTV cameras along the north east and north west boundaries of the application site and shall be retained in place at all times thereafter. **REASON:** To protect the privacy of the occupiers of the neighbouring property and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and
- (3) the flood lighting to the roof mounted plant hereby permitted shall only be switched on for essential maintenance purposes and shall be switched off within 30 minutes of any such maintenance being completed. **REASON:** To ensure that the amenity of the occupiers of nearby properties and the visual amenities of the area are protected and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

151. **W11/0801 – WOODLAND GRANGE, OLD MILVERTON LANE, OLD MILVERTON, ROYAL LEAMINGTON SPA**

The Committee considered an application from EEF Limited for the display of 3 non-illuminated free-standing monolith entrance signs.

The application was presented to the Committee because the recommendation was contrary to an objection made by Old Milverton Parish 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)

It was the case officer's opinion that the development did not prejudice the openness and rural character of this green belt area and 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 accordance with the officer's recommendation.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that W11/0801 be GRANTED subject to the following condition:

- (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 drawings
sbx/EEF/Venues/Woodland Grange - Planning Rev 4, Site Location Plan and specification contained therein, submitted on 13/12/2011 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.

152. W11/1089 – LEAFIELDS FARM, STRATFORD ROAD, WARWICK

The Committee considered an application from C&S Taylor LLP for the conversion of farm buildings into offices (including demolition of other buildings) and erection of a link building.

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

The case officer considered the following policies to be relevant:

DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Ministerial Statement of 23 March 2011 on "Planning for Growth"
Sustainable Buildings (Supplementary Planning Document - December 2008)
UAP2 - Directing New Employment Development (Warwick District Local Plan 1996 - 2011)
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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP2 - Protecting the Areas of Restraint (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)
DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Planning Policy Statement 5: Planning for the Historic Environment
Planning Policy Statement 25: Development and Flood Risk

PLANNING COMMITTEE MINUTES (Continued)

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of impact on the Conservation Area, Registered Historic Park, or flooding which would justify a refusal of permission. 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 accordance with the officer's recommendation.

RESOLVED that W11/1089 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) 11122-10, -13, -14, -15Rev.A, + -16, and specification contained therein, submitted on 26 August and 3 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;
- (3) the car park hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996 – 2011;
- (4) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications.
REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with

PLANNING COMMITTEE MINUTES (Continued)

the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (5) the development hereby approved shall be carried out in accordance with the recommendations in the Bat Survey and Mitigation Report of October 2011, including the timing of the works. **REASON:** To ensure that protected species are not harmed by the development; and
- (6) no development shall commence on site until a photographic record of the buildings have first been obtained in accordance with a brief to be first agreed in writing by the District Planning Authority in consultation with the Warwickshire Museum. The record so obtained shall be deposited with the Museum prior to work commencing. **REASON:** To ensure a record is made of the structure which is part of the built heritage of the District, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011.

153. W11/1090 CA – LEAFIELDS FARM, STRATFORD ROAD, WARWICK

The Committee considered an application from C&S Taylor LLP for the demolition of steel framed timber farm buildings.

The application was presented to the Committee because it related to application W11/1089, to which Warwick Town Council had objected.

The case officer considered the following policies to be relevant:

DP3 - Natural and Historic Environment and Landscape (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)

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

It was the case officer's opinion that the proposed demolition would not result in harm to the character or appearance of the Conservation Area. 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 accordance with the officer's recommendation.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that W11/1090 CA be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the demolition works shall be carried out in accordance with the conclusions and recommendations of the amended Bat Survey and Mitigation Report dated October 2011. **REASON:** To ensure that protected species are not harmed by the development; and
- (3) no development shall commence on site until a photographic record of the buildings have first been obtained in accordance with a brief to be first agreed in writing by the District Planning Authority in consultation with the Warwickshire Museum. The record so obtained shall be deposited with the Museum prior to work commencing. **REASON:** To ensure a record is made of the structure which is part of the built heritage of the District, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011.

154. **W11/1184 – THE QUEEN AND CASTLE, CASTLE GREEN, KENILWORTH**

The Committee considered an application from Mitchells and Butlers for the retention of various signage.

The application was presented to the Committee because the recommendation was contrary to an objection made by Kenilworth 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)

It was the case officer's opinion that the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals were 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 deferred in order to allow clarification on the lighting and illumination of the signage, because there was some doubt about what precisely the application was for.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that W11/1184 be DEFERRED in order to allow for clarification on the lighting and illumination of the signage.

155. **W11/1185 LB – THE QUEEN AND CASTLE, CASTLE GREEN, KENILWORTH**

The Committee considered an application from Mitchells and Butlers to regularise the replacement of existing signage with new.

The application was presented to the Committee because the recommendation was contrary to an objection made by Kenilworth 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)

DAP4 - Protection 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 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 deferred in order to allow clarification on the lighting and illumination of the signage, because there was some doubt as to what precisely the application was for.

RESOLVED that W11/1185 LB be DEFERRED in order to allow clarification on the lighting and illumination of the signage.

156. **W11/1292 – 1 ASHFORD ROAD, WHITNASH, LEAMINGTON SPA**

The Committee considered an application from Mr D Cond for a proposed first floor loft conversion and kitchen roof extension.

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

The Committee had visited the site on Saturday 14 January 2012 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)

PLANNING COMMITTEE MINUTES (Continued)

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)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development would harmonise with the design and appearance of the main dwelling and its surroundings. It would not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. 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 accordance with the officer's recommendation.

RESOLVED that W11/1292 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 drawings numbers 1130/3 and 1130/4, and specification contained therein, submitted on 11 October 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
- (3) the development shall be timetabled and carried out to wholly accord with the detailed method statement for the safeguarding of bats within the site as set out in section 6 of the document 'Initial Bat Survey, 1 Ashford Rd., Whitnash' prepared by Swift Ecology Ltd, received by the District Planning Authority on 5th December 2011. **REASON:** To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

157. W11/1314 – 18 AUGUSTA PLACE, ROYAL LEAMINGTON SPA

The Committee considered a retrospective application from Mr J Balfe for the insertion of fixed timber windows in a rear elevation at first floor level.

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

The Committee had visited the site on Saturday 14 January 2012 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policy to be relevant:

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

It was the case officer's opinion that whilst the rear of this part of the building was approximately 24 metres from properties in Portland Street, this being shorter than the Council's adopted Distance Separations of 27 metres, given that the building was not residential it was not considered that there would be significant loss of privacy. The single storey element at the rear of the building had a pitched roof which obscured views into gardens and would therefore not result in overlooking such as to refuse planning permission.

However, the Council's Conservation Architect did not consider that the window which had been inserted was in character with the external appearance of the building and was of the view that any window inserted in this location should be of a more vertical design, recessed into the building with a central section of brickwork, thereby giving two square porthole style windows. In light of this strong objection, it was considered that the window which had been inserted resulted in unacceptable harm to the character and appearance of this building and wider Conservation Area. The Committee were therefore requested to refuse the application on the basis of this harm and to authorise enforcement action for the removal of the window and reinstatement of the rear elevation.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted contrary to the officer's recommendation, with a condition specifying that the permission was related to the drawing that had been submitted.

RESOLVED that W11/1314 be GRANTED contrary to the officer's recommendation, subject to a condition specifying that the permission relates to the drawing that has been submitted to the District Planning Authority.

158. W11/1316 – 95 RADFORD ROAD, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr & Mrs K S Rai for change of use from a 6 bedroom House In Multiple Occupation (HIMO) to a 7 bedroom HIMO.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to the Committee because the recommendation was contrary to the views of 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)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)

It was the case officer's opinion that the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located and would be acceptable in terms of car parking. Furthermore, the proposal would not adversely affect the amenity of nearby residents and would provide a satisfactory living environment. 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 accordance with the officer's recommendation.

RESOLVED that W11/1316 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; and
- (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) 1920/1/D and the basement and 2nd floor fire precautions plan, and specification contained therein, submitted on 19 October 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.

PLANNING COMMITTEE MINUTES (Continued)

159. W11/1318 – 7 WALNUT DRIVE, ROYAL LEAMINGTON SPA

The Committee considered an application from Mrs M Evans & Mr J Huxley for the erection of a single storey side extension to make a two bed bungalow into a three bed bungalow.

The application was presented to the Committee because the applicant was an employee of Warwick District 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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)

It was the case officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. 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 accordance with the officer's recommendation.

RESOLVED that W11/1318 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; and
- (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), and specification contained therein, submitted on 20th October 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.

PLANNING COMMITTEE MINUTES (Continued)

160. W11/1326 – 14 HALL CLOSE, STONELEIGH, COVENTRY

The Committee considered an application from Ms L Morris for the erection of a two storey side extension.

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

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)

Distance Separation (Supplementary Planning Guidance)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

The 45 Degree Guideline (Supplementary Planning Guidance)

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

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

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

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

Vehicle Parking Standards (Supplementary Planning Document)

Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the case officer's opinion that the development did not prejudice the openness and rural character of the green belt area and respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. 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 accordance with the officer's recommendation.

RESOLVED that W11/1326 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; and
- (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 2131/4, and specification contained therein, submitted on 21st October, 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

PLANNING COMMITTEE MINUTES (Continued)

with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

161. W11/1367 – OPUS 40, BIRMINGHAM ROAD, WARWICK

The Committee considered an application from Opus Land for the variation of pre-commencement condition 6 of Planning Permission W10/0073 (outline application for class B1 (a/b) business development, a single storey estate office, and formation of new access onto Stanks Island and the closure of the existing access into Birmingham Road along with supporting infrastructure).

The application was presented to the Committee because of the need for the previous Section 106 Agreement to be amended or replaced.

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)

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

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of traffic danger which would justify a refusal of permission. 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 accordance with the officer's recommendation, subject to all the original conditions previously submitted to the Committee, but with an amended condition 6 and completion of a replacement Section 106 agreement for a Green Travel Plan or a Deed of Variation, as detailed in the report to this meeting of the Committee.

RESOLVED that W11/1367 be GRANTED subject to all of the original conditions but with condition 6 being amended, as listed below, and after completion of a replacement S106 Agreement for a Green Travel Plan, or a Deed of Variation:

- (1) this permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, on an outline application and the further approval of the District Planning Authority shall be required to the under-mentioned matters hereby reserved before any development is commenced:-
 - (a) the layout and appearance of the proposed development,
 - (b) details of landscaping.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 as amended;

PLANNING COMMITTEE MINUTES (Continued)

- (2) in the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990;
- (3) the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (4) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) CD09-046/203H, 204/D, 205/E, 209, 210/B, /211/A, 212/A and specification contained therein, submitted on 10 June 2010, 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;
- (5) the reserved matters referred to above shall be broadly in accordance with the details shown on the submitted drawings numbers CD09-046/207/A, /208/A, L910/06-02F, L910/06-03C, L910/06-05C, L910/06-08C, 05105/0201/G & 0202/B and specifications contained therein and in the supporting reports, submitted on 26 January 2010 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;
- (6) the development shall not be occupied until the highway works defined on approved drawing numbers CD-046-203H, CD-046-204D, CD-046-205E, CD-046-209, CD-046-210B, CD-046-211A, and CD-046-212A have been completed to the written satisfaction of the Local Planning Authority, in consultation with both the Highways Agency and the Local Highway Authority. **REASON:** To enable the A46 Trunk

PLANNING COMMITTEE MINUTES (Continued)

Road to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act 1980 and to protect the interest of road safety;

- (7) development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion. **REASON:** To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the system;
- (8) 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 manufacturer's 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;
- (9) no development shall be carried out on the site which is the subject of this permission, until details of a security statement and proposals for CCTV 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 minimise the potential for crime, in accordance with policy DP14 of the Warwick District Local Plan 1996-2011;
- (10) no development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning

PLANNING COMMITTEE MINUTES (Continued)

authority. In discharging this condition the District Planning Authority expects lighting to be restricted around bat foraging and commuting areas and roosts, and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- low pressure sodium lamps should be used in preference to high pressure sodium or mercury lamps
- the brightness of lights should be as low as legally possible
- lighting should be timed to provide some dark periods
- connections to areas important for foraging should contain unlit stretches.

The agreed scheme to be fully implemented before/during development of the site as appropriate. **REASON:** To ensure appropriate measures are taken in relation to protected species;

- (11) the development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access has been closed and the kerb, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (12) no development shall be carried out on the site which is the subject of this permission, until details of a management regime to prevent 'rat-running' between the A46 and Wedgnoek Lane 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:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (13) no work shall commence until adequate measures have been taken to protect existing trees during development. A barrier, such as a wire fence, should be erected adjacent to the trees before work starts. This fenced area should include a buffer zone of at least 2-3 metres between the development and the hedgerow/edge of the tree canopy. It is important NOT to allow access, or storage of materials within this buffer zone, otherwise soil

PLANNING COMMITTEE MINUTES (Continued)

compaction is likely to occur, with subsequent damage to the tree/hedgerow roots, which may well prove fatal. **REASON:** To ensure the protection of existing trees during development;

(14) the recommendations set out in section 4.3 of the Initial Bat Survey, prepared by Middlemarch Environmental Ltd shall be followed in full, during the construction phase and thereafter. **REASON:** To protect wildlife, in accordance with policy DP3 of the Warwick District Local Plan 1996-2011;

(15) the applicant shall submit a Green Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented in full at all time. The plan shall:

- (i) specify targets for the proportion of employees and visitors traveling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
- (ii) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
- (iii) explain and justify the targets and measures by reference to the transport impact assessment approved as part of this application;
- (iv) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

REASON: To satisfy the aims of PPG13 in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site;

(16) the signalised pedestrian crossing as shown on drawing number CD09-046-203H shall be provided and be made operational before the development is first opened for use. **REASON:** In the interests of highway and pedestrian safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (17) prior to approval of reserved matters, plans and particulars in relation to matters of siting and layout of buildings shall be agreed in writing by the Local Planning Authority, in consultation with the Highways Agency, Thereafter the development will be constructed in accordance with the approved plans and particulars unless otherwise agreed in writing. **REASON:** To enable the A46 Trunk Road to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act 1980 and to protect the interest of road safety;
- (18) prior to commencement of development details of any proposed operational, construction or landscaping works either on, or impacting on, the embankment adjoining the site and the A46 shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with the Highways Agency. Thereafter any such works shall be undertaken in accordance with the details approved under this condition unless otherwise agreed in writing. **REASON:** To enable the A46 Trunk Road to continue to be an effective part of the national system of routes for through traffic, in accordance with Section 10 (2) of the Highways Act 1980 and to protect the interest of road safety;
- (19) referring to the use classes in the Schedule to the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting that Order with or without modification) no more than 5000 sq metres floorspace of the proposed development shall be used for class B1(a) office use and the remaining area shall be used for class B1(b), use for research and development of products or processes. **REASON:** To satisfy the requirements of Planning Policy Statement 4: Planning for Sustainable Economic Growth and those of the West Midlands Regional Spatial Strategy; and
- (20) the reserved matters referred to above shall show parking provision for the site in accordance with the policies set out in the Warwick District Council 'Vehicle Parking Standards' Supplementary Planning Document, published November 2007. **REASON:** To ensure compliance with policy DP8 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

162. ENF109/14/11 – JOSEPH ARCH, 7 BRIDGE STREET, BARFORD, WARWICK

The Committee considered an application requesting that enforcement action be authorised in respect of unauthorised installation of decking and fencing in the rear car park area of 'The Joseph Arch' public house.

'The Joseph Arch' was a licensed premises, Grade II Listed and fell within the Barford Conservation Area.

The Committee had visited the site on Saturday 14 January 2012 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)

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

It was the case officer's opinion that the decking required planning permission but not Listed Building Consent as the construction was not attached to the building. The Licensee of the premises had been advised that the Council was unlikely to grant permission without an amendment to the construction's design, but despite letters and meetings, the decking remained in place and the relevant permission had not been sought. By virtue of its location on an open corner plot, the rear of the property was prominently viewed, particularly from Mill Lane. It was considered that the decking created clutter, detracting from the classical simplicity of the rear of the building and appeared as an incongruous modern feature, which harmed the building's special architectural and historic interest and the character and appearance of the Conservation Area contrary to policies DP1, DAP4 and DAP8 of the Local Plan.

While recognising the need to cater for customers in the summer months, it was considered that the decking did not strike the right balance between those benefits and the need to preserve or enhance the historic environment. The service of an Enforcement Notice was now considered the only option available to require the removal of the decking.

The Committee noted that, at its site visit on 14 January, the owner clearly indicated that she had submitted an application. To date officers could find no record of this application, but given the owner's clear intent, and following consideration of the report and presentation, the Committee felt that a decision on enforcement action should be deferred pending clarification on the status of the planning application.

RESOLVED that a decision on this item be DEFERRED pending clarification on the status of a planning application submitted by the owner.

(The meeting ended at 9.45 pm)