

Planning Committee

Minutes of the meeting held on Tuesday 16 August 2016 at the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Ashford, Mrs Bunker, Day, Edgington, Mrs Falp, Gifford, Mrs Hill, Mrs Knight, Naimo and Mrs Stevens.

Also Present: Senior Committee Services Officer – Miss Carnall; Legal Advisor – Mrs Gutteridge; Head of Development Services – Mrs Darke; and Development Manager – Mr Fisher.

48. **Apologies and Substitutes**

(a) There were no apologies.

(b) Councillor Gifford substituted for Councillor Boad, Councillor Mrs Falp substituted for Councillor Heath, Councillor Edgington substituted for Councillor Morris and Councillor Mrs Knight substituted for Councillor Weed.

49. **Declarations of Interest**

Minute Number 53 – W/16/0598 – 8-10 Augusta Place, Royal Leamington Spa

Councillor Gifford declared an interest because he was a resident of Augusta Place.

Minute Number 57 – W/16/1103 – 20 Victoria Street, Warwick

Councillor Ashford declared an interest because the application was discussed at the Warwick Town Council Planning meeting but he took no part in the debate.

Councillor Edgington declared an interest because he was a member of Warwick Town Council Planning Committee but had not been present when the item was discussed.

Minute Number 58 – W/16/1220 – 32 Stephenson Close, Milverton

Councillor Gifford declared an interest because he had been involved in discussions with the applicant. However, he did not feel he was predetermined, wanted to hear what other Members had to say and felt he was able to approach the application with an open mind.

Minute Number 59 – W/16/0809 – 168 Brunswick Street, Royal Leamington Spa

Councillor Mrs Falp declared an interest because the application was discussed at the Whitnash Town Council Planning meeting, but she took no part in the debate.

PLANNING COMMITTEE MINUTES (Continued)

50. Site Visits

There were no site visits undertaken prior to the meeting, as agreed with the Chairman and following consultation with the Committee members.

51. Minutes

The minutes of the meeting held on 19 July 2016 were taken as read and signed by the Chairman as a correct record.

52. W/16/0775 – 5 Inchbrook Road, Kenilworth

The Committee considered an application from Mr Nielson for outline planning permission for the demolition of 5 Inchbrook Road and the construction of three new dwellings, with access, all other matters reserved.

The application was presented to Committee because of the number of objections received including one from Kenilworth Town Council. The application had been considered at the previous Planning Committee held on 19 July 2016, however, it was discovered that information contained in that report relating to an appeal in 2005 had been incorrect. It was therefore agreed that the application would be presented to the Committee again, with the correct information provided.

The officer was of the opinion that the proposed development would not result in any adverse impact that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF, or cause unacceptable harm to access or local ecology. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

- Councillor Illingworth, on behalf of Kenilworth Town Council, objecting;
- Mr Ramus, objecting;
- Mr Cooney, applicant / supporter; and
- Councillor Shilton, Ward Councillor., supporting or objecting?

During the debate it was proposed and seconded that the application be refused because the application failed to integrate or harmonise with the street scene, seemed disjointed and was unneighbourly. When put to the vote, this motion was lost.

Following consideration of the report, presentation, and the representations made, it was proposed by Councillor Mrs Knight and seconded by Councillor Day that the application should be granted subject to a condition regarding the built form of the dwellings and a note to the applicant addressing the design of the dwellings.

The Committee therefore

PLANNING COMMITTEE MINUTES (Continued)

Resolved that W/16/0775 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) details of the appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **Reason:** To comply with Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended);
- (2) application for approval of the reserved matters shall be made to the local planning authority not later than three years of the date of this permission. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within three years of the date of permission or within two years of the final approval of the reserved matters, whichever is the later. **Reason:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan Neilson/3dwellings/BlockPlan/DC, and specification contained therein, submitted on 16th June 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction

PLANNING COMMITTEE MINUTES (Continued)

methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

Reason: To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

- (6) no works shall commence on site, including site clearance, until a combined ecological and landscaping scheme has been submitted and agreed between the applicant and the local planning authority (with advice from WCC Ecological Services). The scheme must include all aspects of landscaping including details of native tree planting, wild flower meadow creation, bird and bat boxes installation. The agreed scheme shall be fully implemented prior to first occupation. **Reason:** To ensure protection of protected species in accordance with NPPF, ODPM Circular 2005/06;
- (7) the development hereby permitted shall not commence until drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, have been submitted to and approved in writing by the local planning authority. The approved systems shall be implemented prior to first occupation and shall thereafter be retained and managed and maintained in strict accordance with the approved details. **Reason:** To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which Promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011;
- (8) the development hereby permitted shall either:
a.) Be timetabled and carried out to avoid the bird breeding season (March to September

PLANNING COMMITTEE MINUTES (Continued)

inclusive) to prevent possible disturbance to nesting birds.

b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act.

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

- (9) if an air source heat pump is chosen as the method to comply with the requirement for renewable energy, noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **Reason:** To protect the amenities of the occupiers of nearby properties in the locality in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;
- (10) the buildings shall not exceed two-storey in height. **Reason:** To secure a satisfactory form of development that respects this edge of village site within open countryside in accordance with Policies DP1 of the Warwick District Local Plan 1996-2011 and paragraph 58 of the NPPF 2012;
- (11) notwithstanding the provisions of the Town and Country Planning General Permitted Development) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A or E of Part 1 of Schedule 2 of this Order. **Reason:**

PLANNING COMMITTEE MINUTES (Continued)

To retain control over future development in the interests of protecting neighbouring residential amenity and restricting development within the flood zone in accordance with Policies DAP2 and DP11 of the Warwick District Local Plan 1996-2011;

- (12) the development shall not be occupied until the existing vehicular access to the site has been remodelled so as to provide an access of not less than 5 metres for a distance of at least 7.5 metres. **Reason:** To ensure the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (13) the access to the site for vehicles shall not be used in connection with the development hereby permitted until it has been surfaced with a bound material for a distance of 7.5 metres. **Reason:** To ensure the protection of highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (14) 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 have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **Reason:** To ensure the protection of highway safety and pedestrian safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (15) gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway. **Reason:** To ensure the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;
- (16) the development shall not be commenced until a turning area has been provided within the site so as to enable the largest anticipated vehicle on site to leave and re-enter the public highway in a forward gear. **Reason:** To ensure the free flow of traffic and highway and

PLANNING COMMITTEE MINUTES (Continued)

pedestrian safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011;

(17) the areas indicated on the approved drawings for vehicular manoeuvring space and parking shall at all times be kept free of obstruction and be available for those purposes unless otherwise agreed in writing by the local planning authority. **Reason:** To ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety in accordance with Policy DP8 of the Warwick District Local Plan 1996-2011. / **Reason:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011; and

(18) that the size of the dwellings equals the size detailed on the plans, or smaller.

Note to applicant – the design needs to be in keeping, and harmonise with, the surrounding area.

53. W/16/0598 – 8-10 Augusta Place, Royal Leamington Spa

The Committee considered an application from Elma Leamington Ltd for the variation of condition 4 of permission W/06/0212 relating to the restriction of the use of the rear yard. The variation would allow the yard area to be used in conjunction with the existing restaurant between the hours of 12:00 and 20:00.

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

The officer was of the opinion that, subject to a condition restricting the hours of use of the rear yard, the application was acceptable and would not result in significant adverse harm on nearby uses or residents.

An addendum circulated at the meeting stated that a further objection had been received from a local resident, raising concerns about noise, disturbance and smell arising from the proposal.

The following people addressed the Committee:

- Mr McFarlane, local resident, objecting; and
- Mr Fazely, the applicant.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation, information contained in the addendum and representations made at the meeting it was proposed by Councillor Ashford and seconded by Councillor Mrs Falp that the application should be granted subject to conditions.

The Committee therefore

Resolved that W/16/0598 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings and specification contained therein, submitted on 2 June 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the use of the rear outdoor area serving these premises shall only be restricted to the hours of 12:00 until 20:00 (Monday to Sunday). **Reason:** To protect the amenities of surrounding residential properties and to satisfy Policies DP2 and DP9 in the Warwick District Local Plan 1996-2011; and
- (4) no more than 24 covers shall be permitted in the external seating area of the premises at any one time. **Reason:** To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011.

54. **W/16/0921 – 1 New Street, Royal Leamington Spa**

The Committee considered an application from Mr Dhesi for the retention of alterations to a lightwell to provide access to a storage area on the lower ground floor.

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

PLANNING COMMITTEE MINUTES (Continued)

The officer was of the opinion that the application was acceptable in terms of meeting the objectives of the Local Plan Policies detailed in the report and would not result in adverse harm to the character or appearance of the street scene or Conservation Area.

An addendum circulated at the meeting advised that The Leamington Society had objected to the proposal.

The following member of the public addressed the Committee:

Mrs Pitts, objecting on behalf of the Leamington Society.

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

The Committee therefore

Resolved that W/16/0921 be **granted** in accordance with the recommendations in the report, subject to the following condition:

- (1) the development hereby permitted shall be retained strictly in accordance with the details shown on the site location plan and approved drawing number 2072/4/A and specification contained therein, submitted on 27 July 2016.
Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

55. W/16/0972 – 14 Charnwood Way, Lillington

The Committee considered a retrospective application from Mr Sohal for a minor material amendment to planning permission W/14/1811 to allow changes to the design of the proposed dwellings.

The application was presented to Committee because Councillor Boad had requested that the application be determined by Committee and because an objection had been received from Royal Leamington Spa Town Council.

The officer was of the opinion that the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. It was therefore recommended that planning permission be granted.

An addendum circulated at the meeting stated that the applicant had written in further support of the application and highlighted a number of points relating to the windows, the wish to make improvements and character of Charnwood Way.

PLANNING COMMITTEE MINUTES (Continued)

The following member of the public addressed the Committee:

Councillor Alty, objecting on behalf of Royal Leamington Spa Town Council.

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

The Committee therefore

Resolved that W/16/0972 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 15.2015.GA.101a, 15.2015.GA.102c & 15.2015.GA.103a, and specification contained therein, submitted on 24 May 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (2) the development shall be carried out in accordance with the materials samples that were approved under Condition 3 of planning permission no. W14/1811. **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;
- (3) the development shall not be carried out other than in strict accordance with the drainage details that were approved under Condition 4 of planning permission no. W14/1811. **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 only be undertaken in strict accordance with the details of both hard and soft landscaping works that were approved under Condition 5 of planning permission no. W14/1811. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of any of

PLANNING COMMITTEE MINUTES (Continued)

the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **Reason:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (5) the development shall not be first occupied until all the works within the renewable energy scheme that was approved under Condition 6 of planning permission no. W14/1811 have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (6) the proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted. **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;

PLANNING COMMITTEE MINUTES (Continued)

- (7) the development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.0 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within these splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (8) accesses for vehicles to the site from the public highway Charnwood Way shall not be made other than at the position identified on the approved drawing number 914-02 Rev B. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (9) neither of the dwellings hereby permitted shall be occupied until an access for vehicles has been provided to that dwelling not less than 3 metres in width for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (10) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a distance of 7.5 metres into the site as measured from the near edge of the public highway carriageway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (11) the access to the site for vehicles shall not be used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan; and
- (12) the access to the site shall not be constructed

PLANNING COMMITTEE MINUTES (Continued)

in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan.

56. **W/16/0998 – 26 Glasshouse Lane, Kenilworth**

The Committee considered a part retrospective application from Mr Pollitt for the construction of a garden play area consisting of a play tower with roof and swing beam with 'A frame' support.

The application was presented to Committee at the request of Councillor Shilton.

The officer was of the opinion that the application was considered to accord with Policies DP1 & DP2 of the Warwick District Local Plan 1996 - 2011 and the Residential Design Guide SPG and therefore would not cause material harm to the occupiers of no 24 Glasshouse Lane through visual intrusion or loss of light. The play equipment was situated in position which would not introduce an incongruous feature within the street scene.

An addendum circulated at the meeting advised that a neighbour had made a further objection on the grounds of non-compliance to Policy DP2, loss of amenity, visual intrusion, noise disturbance, boundary proximity and light pollution.

The following member of the public addressed the Committee:

Mr Munday, neighbouring resident, objecting.

Following consideration of the report, presentation, information contained in the addendum, and the representation made at the meeting, it was proposed by Councillor Gifford and seconded by Councillor Day that the application should be granted.

The Committee therefore

Resolved that W/16/0998 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and
- (2) the development hereby permitted shall be retained and completed out strictly in accordance with the details shown on the site location plan and approved drawings, and specification contained therein, submitted on 31st may, 2016. **Reason:** For the avoidance

PLANNING COMMITTEE MINUTES (Continued)

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.

57. **W/16/1103 – 20 Victoria Street, Warwick**

The Committee considered an application from Ms Young for the demolition of a bay window and erection of a single storey side extension.

The application was presented to Committee because of the number of objections received and the application had been submitted by or on behalf of the partner of a Warwick District Councillor, Councillor John-Paul Bromley, who also lived at this address.

The officer was of the opinion that the proposal was considered modest in scale and well proportioned. The specific design features complimented and preserved the existing property and the special historical and architectural significance of the Conservation Area, allowing the original building to be easily read, while bearing little to no change upon the street scene. No harmful impacts would be caused to neighbouring amenity and therefore planning approval was recommended.

An addendum circulated at the meeting advised that Councillor Morris had raised concerns regarding the effect of the proposal within the Conservation Area and the impact on neighbouring property's amenity which resulted in the proposal being unneighbourly and overdeveloped.

In addition, further objections had been received from the adjoining neighbour highlighting the detailing of the bay window, the visibility of that window in the street scene and the effect of the proposal on amenity. The addendum also advised that Warwick Town Council had raised no objection.

The following member of the public addressed the Committee:

Mr Brennan, neighbouring resident, objecting.

During the debate it was proposed and seconded that the application be granted in line with the officers recommendation. When put to the vote, this motion was lost.

Following consideration of the report and presentation, the information contained in the addendum and the representation made, it was proposed by Councillor Edgington and seconded by Councillor Mrs Falp that the application should be refused because it constituted overdevelopment and was unneighbourly.

The Committee therefore

Resolved that W/16/1103 be **refused** for the following reason:

PLANNING COMMITTEE MINUTES (Continued)

The application was overdevelopment and unneighbourly due to the impact on the neighbour's amenity.

58. **W/16/1220 – 32 Stephenson Close, Milverton**

The Committee considered an application from Mr Tabor for a new one bedroom single storey dwelling in an existing residential plot with established access and parking. This was a resubmission of application W/16/0510.

The application was presented to Committee at the request of Councillor Miss Grainger.

The officer was of the opinion that the proposed development would cause harm to the local area by virtue of its design, causing a detrimental impact on the street scene, leading to an unduly cramped form of development, which was contrary to Local Plan policy DAP1. As the proposed development did not meet the test of paragraph 53 of the NPPF, the development located on garden land was considered to be inappropriate and the officers recommended that the application should be refused.

An addendum circulated at the meeting summarised three public responses in support of the application, support from a neighbouring property, further comments from Councillor Miss Grainger, officers and the agent and advised that WCC Archaeology raised no objection.

The following member of the public addressed the Committee:

Mr Beckett, agent in support of the application.

Following consideration of the report and presentation, information contained in the addendum and the representation made, it was proposed by Councillor Edgington and seconded by Councillor Mrs Bunker that the application should be refused in line with the officer's recommendation.

The Committee therefore

Resolved that W/16/1220 be **refused** for the following reasons:

- (1) as Policy UAP1 is a policy for the supply of housing, paragraph 49 of the NPPF dictates that it should be considered out of date and consequently the test in paragraph 14 of the NPPF should be applied, i.e. whether any adverse impacts of granting permission would "significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Therefore, given the pressing need for housing within the District, garden plots such as this are considered to be suitable for development, provided the proposals do not cause

PLANNING COMMITTEE MINUTES (Continued)

unacceptable harm to the living conditions of neighbouring dwellings or the character and appearance of the area in accordance with paragraph 53 of the NPPF and provided that suitable provision can be made for parking.

The proposed development is considered to have a harmful impact on the street scene, by virtue of its design it would represent an incongruous feature within the street scene which does not harmonise or relate to the existing architectural character within the street scene, and would lead to an unduly cramped form of development. The proposed development does not meet the test of paragraph 53 of the NPPF, and therefore the development is considered to be inappropriate and not in accordance with the NPPF; and

- (2) policy DP1 of the Warwick District Local Plan states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design. Policy DP1 goes on to state that development proposals will be expected to demonstrate that they harmonise with the existing settlement in terms of physical form, patterns of movement and land use. Furthermore, Policy DP1 states that development should reinforce or enhance the established urban character of streets, and reflect, respect and reinforce local architecture, whilst adopting appropriate materials and details.

The application site forms part of the rear garden of No. 32 Stephenson Close, which was constructed as a detached house. The surrounding area is characterised by two storey detached houses of a similar size, set on plots of a similar size, giving the area a spacious character. A two storey extension has previously been added to the side of No. 32 to form a separate dwelling. Consequently there are already two dwellings on a plot that was originally designed for a single dwelling.

The current application seeks to construct a third dwelling on the plot. Whilst a garage has previously been permitted in this location (but not constructed), the proposals to construct a dwelling would have a greater impact on the character and appearance of the area. The construction of a dwelling will require further

PLANNING COMMITTEE MINUTES (Continued)

subdivision of the plot and will result in additional cars being present on the plot together with other domestic paraphernalia associated with a separate dwelling. The result of this would be an unduly cramped form of development that would be at odds with the established spacious character of the area. In the opinion of the District Planning Authority, the proposals would therefore cause unacceptable harm to the character and appearance of the area.

Furthermore, Stephenson Close and Old Milverton Road to the west of the site are characterised by relatively modern, brick built properties with some render; the proposal is for a flat roof, single storey dwelling to be constructed from orange / red bricks and to have black aluminium window frames. The proposed development would represent an incongruous feature by virtue of its design within an established, residential housing estate. The proposed development is not considered to reinforce or enhance the established urban character of Stephenson Close, or to reflect, respect or reinforce the existing local architecture. The development is not considered to adopt appropriate materials which would complement the existing street scene.

The proposals would thereby be contrary to the aforementioned policy.

59. W/16/0809 – 168 Brunswick Street, Royal Leamington Spa

The Committee considered an application from Mr and Mrs Bassi for a side and rear single story extension and rebuilding of a garage with new pitched roof over and front porch. This was resubmission of application W/16/0249.

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

The officer was of the opinion that the proposed extensions were considered acceptable in scale, design and subservience for the subject property and the street scene (and the rear aspects acceptable in scale on balance), would cause no form of adverse impact to the neighbouring amenity of any current or future occupier that warranted refusal of the application. The extensions would be constructed in accordance with Warwick's Sustainability Statement Guidance and the application was therefore recommended for approval.

PLANNING COMMITTEE MINUTES (Continued)

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

The Committee therefore

Resolved that W/16/0809 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings 2085/4 submitted on 3rd May 2016 and 2085/5/3/B submitted on 17th May 2016, and specification contained therein. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **Reason:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) the development hereby permitted shall not be first occupied unless and until the renewable energy/fabric first 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 or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

60. **W/16/0986 – Unit 14B Althorpe Street, Royal Leamington Spa**

The Committee considered an application from Mr Paneser for a change of use from a body shop/car garage to a fitness studio (Use Class D2).

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

The officer was of the opinion that this would be an appropriate location for a fitness studio, in accordance with the NPPF and Draft Local Plan Policy CT1. Furthermore, the proposals would not undermine the supply of employment land and buildings in the District and would be acceptable in terms of car parking and highway safety. Therefore, it was recommended that planning permission should be granted.

An addendum circulated at the meeting stated that the applicant had submitted a further letter of support from a nearby business relating to parking facilities.

Following consideration of the report, presentation, and the information contained in the addendum, it was proposed by Councillor Mrs Falp and seconded by Councillor Ashford that the application should be granted.

The Committee therefore

Resolved that W/16/0986 be **granted** in accordance with the recommendations in the report, subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended); and
- (2) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the premises shall be used for purposes falling within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) only and for no other purpose. **Reason:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

61. Planning Appeals Report

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

Resolved that the report be noted.

PLANNING COMMITTEE MINUTES (Continued)

62. CAF Report

Members received a report from officers updating them on the recent review of the Warwick District Conservation Advisory Forum (CAF) and made recommendations for minor revisions to the way in which CAF operated.

Warwick District Council benefitted from the free expert advice provided by CAF, and CAF enabled the Council to work collaboratively with a range of community and professional organisations with specialist conservation knowledge. In return, the Council met CAF's operational costs, including officer time to attend and administer its meetings (preparation of agenda, assembling a presentation of schemes, and writing up the minutes), room hire, and provision of sandwiches and refreshments.

Given the challenging financial climate which had impacted across all areas of the Council, various options had been considered to reduce the Council's costs incurred in supporting CAF.

The last review of CAF was undertaken in April 2012 and there was a requirement that reviews be carried out annually. Given the time that had elapsed since the last review and the need for all services to consider how cost-savings could be made, challenging questions had been asked as to whether CAF should continue in its present form.

The Head of Development Services, the Development Manager, and the Principal Conservation Officer, held two meetings with members of CAF, as part of the review process. The consultation responses were attached at Appendix 1 to the report.

A number of recommendations were outlined in the report to amend the operation of CAF including changing the meeting venue to one that was at no cost to the Council, refreshments and sandwiches would no longer be provided and officer support would be monitored over the next 12 months.

The report outlined the alternative options that had been considered and rejected, including no change to the operation of CAF and withdrawing any financial support from the Council. However, the report recognised that the Council received a valuable service from members of CAF and enabled the Council to work collaboratively with a range of community and professional organisations with specialist conservation knowledge.

Having considered the report and the consultation responses, the Committee

Resolved that

- (1) the responses to the consultation on the operation of Warwick District Conservation Advisory Forum as set out at Appendix 1 to the report, are noted;
- (2) the following amendments to the operation of CAF and its Constitution, are agreed:

PLANNING COMMITTEE MINUTES (Continued)

- a) CAF meetings will remain linked to the Planning Committee cycle, currently every four weeks, and the Constitution of CAF is amended to reflect the meetings taking place once every four weeks, with a revised start time to be in normal office hours of Warwick District Council, normally starting at 2.30 pm;
- b) CAF meetings will be held in a room, provided free of charge by the Council, normally at Riverside House (Room 2.37);
- c) meetings will not normally last longer than two hours and the number of schemes considered will be managed to fit within this time scale;
- d) the Council will no longer pay for sandwiches and other refreshments at CAF meetings;
- e) appropriate District Council officers will continue to attend CAF meetings and will provide the agenda, presentation of cases, and the minutes, but this will be monitored over the next 12 months and impact on resources will be reported as part of the next annual review; and
- f) Planning Committee confirms the remit of Warwick District Conservation Advisory Forum as set out in the revised Constitution of CAF at Appendix 2 to the report.

(The meeting ended at 9.30 pm)