

# PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 2 February 2011 in the Town Hall, Royal Leamington Spa at 6.00pm.

**PRESENT:** Councillor Illingworth (Chairman); Councillors Mrs Blacklock, Mrs Bunker, Copping, Crowther, Ms Dean, Dhillon, Mrs Higgins and Kirton.

Councillor Mobbs substituted for Councillor Rhead.

## 159. **DECLARATIONS OF INTEREST**

Minute Number 166 - W10/1541 – 3 The Cunnery, Stoneleigh Park, Kenilworth

Councillor Mobbs stated that although the application address was stated as Kenilworth, it did not fall within his Ward.

Minute Number 167 – ENF 003/01/11 – Public Highway outside 31 Dale Street, Royal Leamington Spa

Councillor Mrs Dean declared a personal interest in the application because it was in her Ward.

Councillor Crowther declared a personal and prejudicial interest because the application was in his Ward and he had made representations about the application. He addressed the committee in his capacity as Ward Councillor and left the room whilst the decision was reached.

Minute Number 168 - W10/1675 – 81-85 Priory Road, Kenilworth

Councillors Mrs Blacklock, Mrs Bunker, Illingworth and Mobbs declared personal interests because the application site was in their Ward. They were mindful that this was an important Kenilworth issue, it had been discussed prior to the application but this had not predetermined the application.

Councillor Kirton declared a personal interest because the proposed train line was a decision due to be taken by Warwickshire County Council of which he was also a member.

Minute Numbers 169 & 170 - W10/1610 & W10/1091 LB – Sherbourne Park, Church Road, Sherbourne, Warwick

Councillor Mrs Bunker declared a personal interest because the applicant was known to her.

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

Minute Number 171 – W10/1328 – 92 Stirling Avenue, Cubbington, Royal Leamington Spa

Councillors Mrs Blacklock, Mrs Bunker, Crowther, Ms Dean, Dhillon, Mrs Higgins, Kirton and Mobbs declared personal interests because the applicant was a District Councillor.

Councillor Copping declared a personal and prejudicial interest because the applicant was a fellow District Councillor and member of his Group. He left the room whilst the item was discussed.

Minute Number 173 – ENF 312/34/10 - 8 High Street, Warwick

Councillor Crowther declared a personal interest because he had been involved in Licensing Panels in relation to the premises.

Councillors Dhillon and Mrs Higgins declared personal interests because the item was in their Ward.

### 160. **MINUTES**

The minutes of the meetings held on 8 December 2010 and 5 January 2011 were discussed and a number of amendments were agreed to minute numbers 126, 129, 142 and 143. The attendance details for the meetings were also corrected for the 8 December 2010 meeting. They were then approved and signed by the Chairman as a correct record

### 161. **W10/1236 – QUARRY FARM, OLD MILVERTON LANE, OLD MILVERTON, LEAMINGTON SPA**

The Committee considered an application from Opus Land (Quarry Farm) LLP & Care UK for the erection of an 80 bed residential care home (Use Class C2) after demolition of existing buildings.

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

The Committee had previously visited the site on Saturday 29 January 2011 to assist them in reaching a more informed decision.

An addendum was circulated at the meeting which clarified details regarding the change of use, provided confirmation from the Highway Control Engineer at the County Highways Authority and highlighted issues in relation to the Nuffield Hospital drawings.

The case officer considered the following policies to be relevant:

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

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

SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
Warwickshire Landscape Guidelines SPG  
Planning Policy Guidance 13: Transport  
Planning Policy Statement 25 : Development and Flood Risk  
Planning Policy Statement 3 : Housing  
Planning Policy Statement 4 : Planning for Sustainable Economic Growth  
Planning Policy Statement 7 : Sustainable Development in Rural Areas  
Planning Policy Guidance 2 : Green Belts

It was the case officer's opinion that the proposed care home was not an appropriate construction as defined by Planning Policy Guidance (PPG) 2: Green Belts. Paragraph 1.4 of the report stated that the most important attribute of the Green Belt was its openness and the scheme was considered to be harmful in this respect. In terms of traffic generation, the proposal would not undermine local and national planning objectives of creating more sustainable patterns of development. The proposal met requirements set out in Policies DP12 and DP13 of the Warwick District Local Plan 1996-2011 and the Council's Sustainable Buildings SPD. There would be a deficit of 2 car parking spaces but this would not be so significant such as to justify a reason for refusal in this case. The proposed development also met drainage requirements as set out in Policy DP11 of the Warwick District Local Plan 1996-2011.

The Council's Arboricultural Officer had raised no objections to proposed tree works, subject to conditions, and proposed increased planting would help to link the development into the wider landscape in accordance with guidelines set out in the SPG. Refuse storage and disposal had been adequately addressed, the proposed development should not be susceptible to flooding and the proposal satisfied Local Plan requirements with regard to contamination. However, existing B2/B8 uses could change to other uses within the same use class without the need for planning permission and have the potential to cause harm to the living conditions of residents. The site would also make it impossible for residents to be taken for walks 'off-site' direct from the application site and the rural location would mean that residents in the development would not form part of a mixed community with easy access to a range of community facilities and other services, being contrary to the provisions of Policy DP2 of the Warwick District Local Plan 1996-2011 and the Governments objectives of creating inclusive and mixed developments in all areas. Development would result in loss of an existing employment site and it was felt that the case put forward by the applicant did not provide sufficient justification to overcome the policy objection. The proposal was therefore considered not to comply with the policies listed.

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

Mr Madden addressed the committee in support of the application and stated that there were compelling grounds for justifying special circumstances. He highlighted the specialist work undertaken by Care UK and stated that there was an under provision of beds in the District. He also felt that the location of the new facility, next to the Nuffield Hospital, would create a 'health hub' whilst delivering a high standard of care.

Members were mindful that there was a district wide need for specialist care in this area of health but they did not feel that enough evidence had been shown to prove that this site was the most suitable one for this application.

Following consideration of the report and presentation, along the information contained within the addendum the Committee were of the opinion that the application should be refused in accordance with the recommendation.

**RESOLVED** that W10/1236 be REFUSED for the reasons listed below:

- (1) the site is situated within the Green Belt and Planning Policy Guidance Note 2 states that, within the Green Belt, the rural character of the area will be retained and protected. It also contains a general presumption against "inappropriate" development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed in the Guidance and, in the Planning Authority's view, very special circumstances sufficient to justify departing from this Guidance have not been demonstrated.

By reason of its additional bulk and mass over and above the existing buildings on the site and the approved building, in the opinion of the District Planning Authority the proposed replacement building would have a far greater impact on the openness of the Green Belt than the existing and approved buildings. The proposed development would therefore be harmful to the Green Belt by reason of inappropriateness and because of its adverse impact on openness;

- (2) policy DP2 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/ or does not provide acceptable standards of amenity for future users/ occupiers of the development.

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

The land immediately to the west of the application site is in active B2/ B8 use. In the opinion of the District Planning Authority, the proposed C2 use and the established commercial use on the adjoining land to the west are incompatible in land use planning terms. Given the proximity of the west wing to the adjoining site, it is considered that the potential for noise and disturbance is such that adequate living conditions for the occupiers of this part of the development cannot be secured. Furthermore, given the location of the application site and the absence of footways in the vicinity of the application site, it will not be possible for residents to be taken for walks directly from the application site and given the rural location of the site, residents will not form part of a mixed community with easy access to a range of community and other services.

The proposal is therefore contrary to the provisions of the aforementioned policy and the Government objective of creating inclusive and mixed communities as set out in PPS3 : Housing;

- (3) the application site forms part of the Arden regional character and the Arden Parklands landscape type as defined in the Warwickshire Landscape Guidelines SPG. Typical features include a dispersed settlement pattern of hamlets and farmsteads as an integral element of the landscape. an irregular and small scale field pattern, ancient woodlands and mature hedgerow oaks. The overall character and qualities of the Arden Parklands landscape is described as an enclosed, gently rolling landscape defined by woodland edges, parklands and belts of trees. The overall guidelines for the Arden area intend that the built character should be conserved by ensuring that new development reflects the vernacular style, with particular attention being given to scale, building materials and the incorporation of traditional features. In the opinion of the District Planning Authority the existing buildings on the application site generally appear from public vantage points as typical agricultural outbuildings and the approved replacement building was designed to reflect the appearance of grain stores. In comparison, it is considered that the contemporary modernist design of the proposed building incorporating extensive areas of glazing is not synonymous with the rural setting and

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

would appear as an incongruous feature in the landscape. This would be exacerbated at night when the rooms behind the glazing were lit. In addition, the visual impact of the proposed lighting scheme and of light pollution in this sensitive site would significantly harm its distinctive rural character by introducing a type of development that is more typical of an urban area. It would thereby constitute an encroachment into the countryside and conflict with one of the purposes for including land in the Green Belt. The building would fail to either harmonise with the rural setting of this site or reinforce the vernacular building style characteristic of the Arden landscape. The proposal would therefore clearly conflict with the objectives of the aforementioned SPG and Policy DP1 of the Warwick District Local Plan 1996-2011; and

- (4) policy SC2 of the Warwick District Local Plan 1996-2011 states that redevelopment or change of use of existing and committed employment land and buildings for other uses will not be permitted unless the location and/ or nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses, and an applicant can demonstrate that it would not be desirable to seek to replace this with any other employment use; or the applicant can demonstrate that there are valid reasons why the use of a site for the existing or another employment use is not economically viable.

In the opinion of the District Planning Authority the existing employment use does not have an unacceptable adverse impact upon adjacent residential uses and the applicant has not demonstrated that there are valid reasons why the use of the site for the existing or another employment use is not economically viable. The proposed development is therefore contrary to the provisions of the aforementioned policy.

### **162. W10/1270 – 2 CLEOPATRA GROVE, HEATHCOTE, WARWICK**

The Committee considered an application from Ms S Baker for the erection of a two storey and a single storey rear extension.

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

The case officer considered the following policies to be relevant:

## PLANNING COMMITTEE MINUTES (Continued)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
The 45 Degree Guideline (Supplementary Planning Guidance)  
Distance Separation (Supplementary Planning Guidance)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)

The case officer was of the opinion that there would be no breach of the Council's adopted 45 degree line when taken from 4 Cleopatra Grove and whilst there may be some loss of early morning sun light this would not justify refusal of permission. The proposed two storey extension would reduce the distance from 23 Bushy End from 22 metres to approximately 18.4 metres. However it was proposed to insert obscure glazing into window openings at first floor level up to 1.7 metres above floor level, with only the top light being clear glazed. The main windows could be conditioned so that they were obscure glazed and non-opening, unless in emergencies such as the need for fire escape. In terms of distance separation from the properties to the side, there would be no breach of the adopted Supplementary Planning Guidance. The proposal was therefore considered acceptable and would read as an ancillary addition to the main house and would not result in an over-dominant structure.

Mrs Sandhar's daughter addressed the committee in objection to the application and stated that as neighbours, they were concerned at the loss of light the proposed extension would cause.

Members were sympathetic to the neighbour's concerns but agreed with the officers that there were no grounds for refusal.

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

**RESOLVED** that application W10/1270 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number 7/9/10-01 Rev D and specification contained therein, submitted on 21 December 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

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

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) prior to the occupation of the development hereby permitted, the first floor windows in the rear elevation of the extension 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 (other than in an emergency) unless the parts of the window to be glazed or 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 windows shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties 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.

### **163. W10/1373 – LAND ADJACENT 170 KENILWORTH ROAD, COVENTRY**

The Committee considered an application from Mr A S Marwaha for the erection of an equipment store.

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:

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

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

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
Planning Policy Guidance 2: Green Belts

The case officer was of the opinion that this was an appropriate development within the Green Belt, as defined by PPG2: Green Belts, as it was for agricultural purposes. The building would be sited below the level of the road, beside an overgrown boundary hedge and its visual impact would be small. It would be accessed via an existing vehicular access, previously granted planning permission. The size of the building was small, only capable of storing a limited amount of equipment and was considered



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

to be appropriate for the area of the holding. The proposal was therefore considered to comply with the policies listed.

Mr David Elwood addressed the committee on behalf of Stoneleigh Parish Council in objection to the application. He stated that they were concerned about the green belt land and that this should not be developed on.

Mr Roger Warren addressed the committee on behalf of the Crackley Resident's Association and a number of other neighbours. The storage area was located at the furthest point away from the applicant's property, was in the middle of the green belt and Mr Warren referred to previous applications made over the past few years which had also been refused. He also referred to Warwick District's Core Strategy which was aimed at protecting the most important areas of green belt and he felt that this application was at odds with this. He also felt that the equipment store was in an exposed position and too near to the roadside.

Members were concerned that this was unnecessary development in the Green Belt and appreciated the speakers comments regarding safety and the positioning of the building close to a busy road.

The Committee were of the opinion that the application intruded prominently into a particularly narrow part of the green belt and that everything should be done to protect this area. In addition, they felt the location of the storage unit wasn't ideal and it was agreed that to grant it on the grounds of agricultural use would be inappropriate as no evidence had been given to prove that this site was being used for agricultural purposes.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be refused contrary to the officers recommendations.

**RESOLVED** that application W10/1373 be REFUSED for the following reasons:

- (1) the proposed development is sited in a very narrow part of the Green Belt between Coventry and Kenilworth;
- (2) the proposed development sited remote from the associated dwelling at No. 170 Kenilworth Road would erode the rural character of the area and fail to protect and enhance the landscape, contrary to Policy DP3;
- (3) in the absence of clear evidence of an existing agricultural business on the site, the District Planning Authority is not satisfied that this would be 'appropriate' development and hence it would be contrary to the provisions of PPG2, Green Belts; and

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

- (4) no very special circumstances are considered to exist to outweigh the harm to the character and openness of the Green Belt which would result from this development.

### **164. W10/1464 – NATIONAL AGRICULTURAL CENTRE, PLOT 25, STONELEIGH PARK, KENILWORTH**

The Committee considered an application from the Royal Agricultural Society of England for alterations and an extension to an existing office building to provide a mix of B1 and B8 floor space, and resurfacing to provide a car park and service yard.

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:

DP13 - Renewable Energy Developments (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)

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

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

SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)

SSP3 - Stoneleigh Park (Warwick District Local Plan 1996 - 2011)

Sustainable Buildings (Supplementary Planning Document - December 2008)

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

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

Planning Policy Guidance 2: Green Belts

It was the case officer's opinion that the proposals would not significantly affect adjacent uses since the plots were widely spaced with access ways running between them. The proposed extension could be considered appropriate within the terms of policy SSP3 and an example of limited infilling (as described in Annex C of PPG2) as it would have no greater impact on the purposes of including land in the Green Belt than the existing development, would not exceed the height of existing buildings, and would not lead to a major increase in the developed proportion of the site. The user's business fell within an appropriate use as it was closely related to agriculture.

All necessary infrastructure existed on the site to service the existing building. Whilst it would have been preferable for current proposals to have been brought forward following the establishment of the new planning regime for Stoneleigh Park and implementation of the new access road, the applicants were entitled to make an application and to have it judged on its merits against current policy. It was considered that the proposed extension would not increase traffic or other impacts to the extent that mitigatory measures forming part of the master plan were required at this stage, and County Highways were also happy for the application to proceed

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

without further action at this stage. Proposed protection measures for trees in the vicinity were acceptable. A condition was recommended requiring a 'renewables' scheme to be submitted.

Mr David Elwood addressed the committee on behalf of Stoneleigh Parish Council and highlighted the sewerage problems experienced recently, the issues regarding volume of traffic and how they felt that this was 'creeping development'.

The Chairman proposed that the application be deferred to allow an invitation to be extended to the Warwickshire County Council transport development officers to attend the next Planning Committee meeting to explain why it was considered acceptable given the existing problems on at the application site. Members were concerned that this 'creeping development' needed a firm stance taking with regard to controlling volumes of traffic.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be deferred to allow an invitation to be extended to Warwickshire County Council Highways.

**RESOLVED** that application W10/1464 be DEFERRED to allow an invitation to be extended to the Transport Development Officer to attend the next Planning Committee meeting, in order to answer queries given the existing problems on the local highway network and the cumulative impact of 'incremental development'.

### **165. W10/1534 – 128 MYTON ROAD, WARWICK**

The Committee considered an application from Mr Nijjar for proposed extensions and alterations (these were amendments to approved scheme W/10/0782).

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

An addendum was circulated prior to the meeting which detailed comments from Councillor Barrott in support of the application.

The case officer considered the following policies to be relevant:

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

A planning application (W10/0509) for a first floor side extension, single storey front and rear extensions, and the raising of the roof along with three rear dormer windows was refused by Planning Committee in June 2010, and then dismissed at appeal in August 2010. An application (W10/0782) was then made in June 2010 for smaller proposals comprising a first floor side extension, single storey front and rear extensions and the raising of the roof. This was approved by Planning Committee in August

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

2010, and included conditions requiring 10% renewable energy provision and a pre-commencement bat survey. The development had commenced and these conditions had been discharged.

W10/1535 was an application for a proposed certificate of lawful development for the addition of a rear facing dormer roof extension. This application had not yet been determined. The certificate would give a legal determination on whether the proposed works were permitted under the relevant regulations and as such there was no consideration given to the planning merits of the proposal.

It was the case officer's opinion that the proposed development was of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings and did 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.

Mr Pandy Nijjar addressed the committee in support of the application and stated that work was stopped immediately when he realised a mistake had been made. He advised members that he hoped he could work with officers to resolve the issues and continue with improving his house.

Councillor Guest addressed the committee in his capacity as Ward Councillor and explained that he was objecting to the application because of the detrimental affect the development was having on the neighbouring properties. He highlighted that although he appreciated the comments Councillor Barrott had made following a site visit, he had been unable to view the development from inside the neighbouring property. He reminded members that it was the applicant's responsibility to ensure that the development was built in accordance with the agreed plans.

Members were disappointed that the original plans had not been adhered to and were mindful of the impact the current development was having on neighbouring properties.

Following consideration of the report and presentation, and the additional information contained within the addendum, the Committee were of the opinion that the application should be refused contrary to the officer's recommendation due to its unneighbourly and oppressive nature.

In addition, Members agreed that enforcement action should be authorised to reduce the height of the rear single storey extension to comply with the original approved plans and that this should have a compliance period of three months.

### **RESOLVED** that

- (1) application W10/1534 be REFUSED because the single storey extension as built is considered unneighbourly and oppressive to the neighbours

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

at nos 126 and 130 by reason of its excessive height and was contrary to Policy DP2; and

- (2) enforcement action be AUTHORISED for reduction of the single storey rear extension to comply with approved plans under W10/0782 with a compliance period of three months.

### **166. W10/1541 – 3 THE CUNNERY, STONELEIGH PARK, KENILWORTH**

The Committee considered an application from Mr Liddar for a detached double garage with ancillary domestic accommodation over, alterations to a boundary wall, the insertion of gates and replacement of garage doors in the existing garage with windows.

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

The Committee had visited the application site on 29<sup>th</sup> January 2011 in order to assist them in reaching a more informed decision. An addendum was circulated prior to the meeting which contained further information concerning trees at the application site.

The case officer considered the following policies to be relevant:

DP13 - Renewable Energy Developments (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)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

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

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

Planning Policy Guidance 2 : Green Belts

The case officer was of the opinion that the loss of an existing curved wall feature was unfortunate but that the replacement gates and smaller curved wall would not significantly harm the character or appearance of the development. The gates would be further back from the road than the existing wall, reducing their impact, and they were considered to be an appropriate high quality design. Their position would leave adequate space in front of the gates for cars to pull off the access road while the gates were opened, and there would be space behind the gates for cars to park in front of the garage with the gates closed. The building would be located at the end of the applicant's rear garden, adjoining the front and side/rear garden of no.1 The Cunnery.

Erection of a building in this location would reduce openness within the development and interrupt views to the landscape beyond for no.4;

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

however, loss of a private view was not a planning consideration and the reduction in openness would not harm the character of the development significantly. Garage extensions previously approved for neighbouring properties were higher than this proposal. The neighbour opposite (no.4) would lose their view as noted above, but since the proposed dwelling was on the opposite side of the road, at a distance of over 20m, the loss of privacy was considered to be acceptable. In terms of additional noise generated by vehicle movements at unsocial hours in close proximity, this impact would be typical of such residential developments and acceptable. Loss of light to no.5 would be not be significant given the distance involved and the impact on the garden would not justify a refusal.

Loss of privacy would be a material consideration, and the applicant had agreed to remove a roof light nearest to their property to try to minimise this. The amended building would introduce a large triangular glazed dormer directly facing the rear of the applicant's property but with angled views towards the rear of the neighbour's property. While the dormer would be sited 26m from this neighbour's nearest first floor window and given that the affected windows did not directly face each other, the loss of privacy would not be so serious that refusal was justified. The proposed building was sited to the south-west of a garden to the rear of no.1, so there would be a loss of direct afternoon sunlight to their rear garden which was some 17m in width. However, that dwelling was 17m from the proposed building, had only secondary or non-habitable room windows facing the proposal and there would be no windows in their side of the proposed building. Therefore there would be no significant harm to their privacy and loss of sunlight would not justify a refusal since the garden was not small and only a limited proportion would be affected. The Conservation Officer had commented that the loss of the original configuration of these large houses was always rather unfortunate; however, the new garage, subject to it not impacting on adjacent properties, appeared to fit fairly discretely behind the high wall and new double gates. A suggestion that the garage conversion might be better if the openings were bricked up from the base rather than boarded had been incorporated into the proposals.

Mr Alan Williams addressed the committee in objection to the application. Mr Williams lived at the neighbouring property and his main objection was on the grounds of loss of privacy.

Mr Liddar, the applicant addressed the committee and stated that this application was for the conversion of the garage into a downstairs bedroom for an elderly family member. He advised that he had worked with officers to resolve issues raised by neighbours and with the case officer from the start.

Members were mindful that when the development was first built, many conditions were attached to the scheme to retain the character of such an extraordinary location. The Chair highlighted that the development was located in a historical garden and noted that it may have been advisable to obtain advice from the Garden History Society. Members felt that it was important to maintain the street scene and character of the area and were sympathetic to the neighbouring property with regard to loss of privacy.

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

Following consideration of the report and presentation, and the additional information contained within the addendum, the Committee were of the opinion that the application should be granted in accordance with the officers recommendations subject to the addition of four conditions.

The first to be that obscure glazing be added to the dormer window to preserve the privacy of neighbours. In addition, that the development be ancillary to the existing house and should not be able to become a separate dwelling in the future. With regard to the historical conditions, it was agreed that details of the entrance gate and garden wall should be submitted prior to work taking place and the fourth additional condition to state that the development take place within the garden, which would serve to retain the existing garden wall.

**RESOLVED** that application W10/1541 be GRANTED subject to the conditions listed below:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (2010/14/01/A), and specification contained therein, submitted on 10 January 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) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing dwelling. 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) all window frames, doors and door frames shall be constructed in timber and shall be painted to match the existing dwelling. REASON: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

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

- (4) obscure glazing be added to the dormer window to preserve neighbours privacy;
- (5) the garage to be used solely for purposes incidental to the existing dwelling;
- (6) notwithstanding details on approved plans, large scale details of design/appearance of boundary walls/gates to be submitted and approved by officers prior to building work commencing; and
- (7) for the avoidance of doubt, the existing boundary wall on the north elevation shall be retained as part of this development as shown on the proposed elevational plan.

### **167. ENF 003/01/11 – PUBLIC HIGHWAY OUTSIDE 31 DALE STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application from officers requesting that enforcement action be taken against British Telecom/Openreach following the installation of a 1.6 metre high broadband cabinet within the public highway outside number 31 Dale Street, Leamington.

In January 2011 it was brought to the attention of the Council's Enforcement Section that Openreach had installed a standard, green painted broadband equipment cabinet measuring 1.6m tall, 1.2m wide and 0.45m, at the back of the kerb in front of the railings at the above location.

The installation had been the subject of a Notification of Development by Telecommunications Code Systems Operators [W10/1496TC] on 9<sup>th</sup> November 2010 which was refused under delegated powers 21<sup>st</sup> December 2010.

The case officer considered the following policies to be relevant to the application:

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- SC9 - Telecommunications (Warwick District Local Plan 1996 - 2011)

The main consideration was the effect of the cabinet on the setting of the Grade II Listed Building at 31 Dale Street and on the special character and appearance of the Royal Leamington Spa Conservation Area.

Telecommunication and Code Systems Operators were required to make every effort to minimise the visual impact and consider less environmentally harmful means of providing the same service.



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

It was felt that the cabinet, by reason of its height and overall size, and its siting directly in front of a Grade II Listed Building caused serious harm to the setting of the Listed Building and the character and appearance of the wider Conservation Area.

The installation of the cabinet within the public highway had been approved and licensed by Warwickshire County Council, who were satisfied that the position is appropriate in terms of highway safety. However, the cabinet was installed without the approval of the Planning Authority and formal action was felt appropriate to resolve this breach of planning control. This would involve the service of an enforcement notice on Warwickshire County Council and the owner of the land in addition to BT Openreach.

Councillor Crowther addressed the committee in his capacity as Ward Councillor and stated his objections to the cabinet being installed without approval and detailed the impact this had on the character of the area especially as it was located in front of a listed building.

Members felt strongly that enforcement action should be authorised but that the timescale for removing the cabinet should be reduced to one month. Members also agreed that the Chairman write to British Telecom and Warwickshire County Council to advise them of the Council's disappointment at the company's continual contempt for the planning system.

Following consideration of the report and presentation, and taking into account the speakers comments, the Committee were of the opinion that the enforcement action should be authorised in accordance with the officers recommendations and that the compliance period should be reduced to one month.

**RESOLVED** that enforcement action ENF 003/01/11 be AUTHORISED with a compliance period of one month.

N.B. The Chairman of the Planning Committee would write to British Telecom/ Warwickshire County Council regarding these unauthorised works.

### **168. W10/1675 – 81-85 PRIORY ROAD, KENILWORTH**

The Committee considered an outline application from Warwickshire County Council for construction of a railway station building, two railway platforms, a station footbridge with associated car parking, access and landscaping including retention of the 'Lighthouse' building with flexible use for A2 or C3 use.

The application was presented to the Committee because it was for a major development submitted by the County Council and the District Council's views were being requested.

An addendum was circulated prior to the meeting which contained details of comments from residents and CAAF.

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

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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC3 - Supporting Public Transport Interchanges (Warwick District Local Plan 1996 - 2011)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
- SSP4 - Safeguarding Land for Kenilworth Railway Station (Warwick District Local Plan 1996 - 2011)
- T.7 - Public Transport (Warwickshire Structure Plan 1996-2011)

The case officer was of the opinion that the principle of a station at this location was acceptable as the application site was that identified in the Local Plan for the proposed station, although the allocation did not include the railway itself. The remaining issues were therefore ones of detail and comments could only be made on the siting of the buildings and proposed footbridge, as the application was in outline only (which is basically defined as meaning the principle of the erection of a building). The station building was shown in indicative sketches as being of modest scale with a design intended to reflect the original station buildings, although the design could be changed at 'reserved matters' stage. This scale of the building was considered to be acceptable and would have no material impact on neighbouring properties.

The proposed footbridge would have a much greater impact since the position indicated showed its nearest point only some 6m from the corner of the nearest block of flats in the Alexandra Court, causing serious loss of privacy to those dwellings. It was considered, therefore, that this aspect of the design should be re-assessed, including consideration of relocating the new bridge and lift shaft towers. The parking drop-off and taxi-rank area would not have an unreasonable impact on neighbouring properties. Any impact could be minimised and the site enhanced by boundary landscaping, although opportunities for significant planting would be limited. The only feature of any historic interest on the site was a blue-brick building retained from when the site was used as a railway storage area in the late Victorian period. It had been altered, however, did not form part of the original 1840's station complex, and was not considered of sufficient interest to justify retention.

Members agreed with all of the officers comments and felt strongly that the footbridge needed updating, to improve lighting and to ensure that disabled access is correct to ensure that all residents are catered for. In addition, it

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

was felt that phase 2 of the development needed to be fully considered in relation to the houses in Farmer Ward Road and the scheme had to be looked at as whole prior to commencement of Phase 1

The outline application could therefore be supported, but with reservations about the siting and design of the footbridge and lift-shaft towers which members of the committee fully agreed with.

Following consideration of the report and presentation, and the information contained within the addendum, the Committee were of the opinion that support be given to the officers recommendations and that comments should be submitted with regard to the footbridge.

**RESOLVED** that SUPPORT BE GIVEN to outline application W10/1675 and the following be suggested:

- (1) Warwickshire County Council be encouraged to upgrade the existing footbridge to modern standards and improve lighting on the nearby footpaths leading to that footbridge; the existing footbridge is considered to be an incongruous feature in the proposed scheme and this opportunity should be taken to secure its enhancement;
- (2) disabled access, in particular for the blind, be given due and proper consideration in the design of the whole scheme;
- (3) consideration be given to the retention of the historic boundary walls as part of the development;
- (4) even in design of Phase 1 of the development, the implications for Phase 2 should be fully considered to ensure that the impact of Phase 2 on Farmer Ward Road properties is minimised; and
- (5) traffic management and safety of the access to be given particular consideration.

### 169. **W10/1091 LB – SHERBOURNE PARK, CHURCH ROAD, SHERBOURNE, WARWICK**

The Committee considered a retrospective application from Sherbourne Park Events for the conversion of an existing greenhouse and potting shed into a Garden Room.

This item was taken in conjunction with item 14 (W10/1610) because they were for the same site but this report dealt with the Listed Building aspect of the application.

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

The application was presented to the Committee because an objection had been received from Sherbourne Parish Council who felt that the design and appearance of the Garden Room did not fit the character of the locality which was in the Conservation Area.

The case officer considered the following policies to be relevant:

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

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

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

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

It was the case officer's opinion that the design changes were acceptable since they had been fairly simple. However, plastic windows had been installed and were considered an unacceptable material for a Listed Building. It was considered, therefore, that whilst the plans themselves could be approved, any such approval would need to make it clear that this related to the use of timber for the windows and doors (as specified on the related planning application) and not to the PVCu window units actually installed. Also it was considered that a metal flue on the north elevation was relatively prominent and should therefore be painted black, or a similar dark colour, to minimise its impact on the Listed Building. A metal door onto an internal garden/estate track was not in public view and was therefore considered not harmful to a degree to justify refusal.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the recommendation, but that appropriate enforcement action be authorised to the have PVCu windows replaced with timber, for the reason given above, within 6 calendar months.

**RESOLVED** that W10/1091 LB be GRANTED, subject to the conditions listed below:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos. 2281-3 and 2281-4, and specification contained therein, received on 6th December 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;
- (2) the materials hereby approved for the roof, windows and doors are those specified on the forms accompanying the related planning application (W10/1610) since none are specified on the application forms accompanying this listed building application.

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

**REASON:** To protect the character of the listed building in accordance with Policy DAP7 of the Warwick District Local Plan 1996-2011; and

- (3) the metal extract flue shall be painted matt black within one calendar month of this decision. **REASON:** To protect the character of the building in accordance with Policy DAP7 of the Warwick District Local Plan 1996-2011.

**RESOLVED** that enforcement action be AUTHORISED to have the PVCu windows replaced with timber, for the reason given above, within 6 calendar months.

### 170. **W10/1610 – SHERBOURNE PARK, CHURCH ROAD, SHERBOURNE, WARWICK**

The Committee considered an application from Sherbourne Park Events for conversion of an existing greenhouse and potting shed into a Garden Room.

This item was taken in conjunction with item 5 (W10/1091 LB) which dealt with the Listed Building aspect of the application.

The application was presented to the Committee because an objection had been received from Sherbourne Parish Council who felt that the design and appearance of the Garden Room did not fit the character of the locality which was in the Conservation Area.

The case officer considered the following policies to be relevant:

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

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

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

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

The report detailed that the walled garden formed part of the grounds of the house and lay within the locally listed historic garden and the Conservation Area. The Conservation Area leaflet, however, only referred to Sherbourne Park itself and did not mention the walled gardens.

The only real views of the walled garden were from the approach to the main house and, therefore, the visual impact on the character of the Conservation Area was limited as other views were at long distance, such as through the tree belt on the Barford Road.

In this context, the changes with any real impact on the Conservation Area and the setting of the Listed Building and its walled garden were those to the roof, which was previously covered with bitumen sheets. This was replaced with slate towards the house (the principal 'public' view) and metal sheeting on the back, towards the secure agricultural storage area. It was considered that the increase in ridge and eaves height was

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

acceptable and that the scheme adequately protected the character and appearance of the Conservation Area and the setting of the Listed Building and its walled garden. It was also considered that the proposal had no impact on any neighbour due to the intervening buildings, trees and distances involved.

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 W10/1610 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 approved drawing nos 2281-3 and 2281-4, and specification contained therein, received on 6 December 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.

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

### **171. W10/1328 – 92 STIRLING AVENUE, CUBBINGTON, LEAMINGTON SPA**

The Committee considered an application from Mr D & Ms Cymone De-Lara-Bond for the erection of a single storey rear extension to dining room and kitchen.

The application was presented to the Committee because one of the applicants was a District Councillor.

The case officer considered the following policies to be relevant:

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

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

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

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

Vehicle Parking Standards (Supplementary Planning Document)

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

Planning Policy Statement 1 : Delivering Sustainable Development

It was the case officer's opinion that, given the impact of the potential fallback position, that under 'permitted development' the existing conservatory could be replaced by a 3m rear extension with a pitched roof extension of greater proportions than the current proposal and that there was a significant mature hedge along the common boundary, the proposal would not cause such harm over the current position by reason of loss of light to No. 94 as would justify refusal of this application. In design terms the development proposal met the principles subject of the residential design guide (SPG), and addressed a breach of the 45-degree guideline (SPG) with the introduction of a series of low hips to the roof design. The proposal reflected the original design of the dwelling with the introduction of a bay to the rear that facilitates an intermediate projecting hipped section that would break up the linear form across the rear elevation.

There would be no substantial increase in accommodation or in the demand for water or drainage, and only a nominal increase in the need for heating and lighting. Therefore the introduction of mitigation measures (10% of energy from a renewable source on or near to the site) was felt to be inappropriate. The proposed alterations would not materially increase the size of the accommodation at the application site and the existing parking provision met in principal the Parking Standards (SPD). There would be no change to the current acceptable storage of waste and recycling equipment at the site, and guttering was to be incorporated wholly within the boundary of the application site and would feed into existing soakaway at the rear of the property. 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 recommendation.

**RESOLVED** that application W10/1328 be GRANTED subject to the following conditions:

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

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 10/01/01-01B, 10/01/01-02B, 10/01/01-04B, and specification contained therein, submitted on 13th October 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;
- (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.

### **172. W10/1584 – CLARENCE HOUSE, 7 THE COURTYARD, BRIDGE END, WARWICK**

The Committee considered an application from Mrs S Simpson for converting part of an existing garage into a kitchen area, a two storey extension to the side forming an additional kitchen breakfast area at the ground floor, internal alterations to create a new bedroom at the first floor, insertion of double doors with side glazed panels on the north-west elevation and creation of a dormer window on north-west roof slope.

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

An addendum was circulated prior to the meeting which included a response from CAAF.

The case officer considered the following policies to be relevant:

DP13 - Renewable Energy Developments (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)

Vehicle Parking Standards (Supplementary Planning Document)



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

Residential Design Guide (Supplementary Planning Guidance - April 2008)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

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

The case officer was of the opinion that, as the garage conversion had already been approved and as there had been no change in circumstances since then, there was no reason not to approve this element of the scheme. The dwelling would retain one garage, had one additional car parking space clearly labelled located nearby in the Courtyard and the property would retain adequate car parking space in line with the Council's Vehicle Parking SPD. The rear glazed doors were considered acceptable as they were similar in style to those elsewhere on the building, whilst the proposed rear dormer was similar to those on the front roof slope.

The two storey proposed rear extension as amended now complied with a 45 degree guideline taken from the neighbours nearest kitchen window, and on this basis there appeared to be no reason for refusal. The extension was well designed and would blend in with the character of the surrounding development, while providing a reasonable level of amenity for the affected neighbour. The 2.1m projection of the extension would project slightly past the taller wing of the dwelling but less than the inglenook chimney, therefore a good sized garden would remain for the dwelling and the extension would not appear over dominant on the dwelling.

The Conservation Officer had raised no objection & the limited size of the extension did not justify the provision of 10% renewable energy in accordance with Policy DP13.

Following consideration of the report and presentation, and the information contained within the addendum, the Committee were of the opinion that the application should be granted in accordance with the recommendation.

**RESOLVED** that application W10/1584 be GRANTED subject to the conditions listed below:

- (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 approved drawing(s) (2565-01D; 2565-02D), and specification contained therein, submitted on 6 January 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)

### 173. **ENF 312/34/10 – 8 HIGH STREET, WARWICK**

The Committee considered an application from officers requesting enforcement action be authorised for the unauthorised change of use from class A1 (retail) to a mixed A1, A3 (restaurant/cafe) and A4 (drinking establishment) on the basement, ground, first floors and part of second floor.

The property was a Grade II Listed Building located in High Street between Church Street and Swan Street. The property consisted of a retail unit, café/restaurant and drinking establishment at basement, ground, first floor and part of the second floor with one dwelling occupying part of the second floor and the entire third floor.

In August 2010 it was brought to the attention of the Council's Enforcement Section that Art and Wine at 8 High Street, Warwick in addition to retailing art works and wine was being used as a restaurant/café with the sale of hot food and alcohol for consumption on the premises.

Contact was made with the proprietor who was advised that planning permission was required for a mixed use of A1, A3 and A4. A planning application was submitted [W10/1135] which was refused under delegated powers on 21<sup>st</sup> December 2010 as the development had an unacceptable impact of noise and fumes on neighbouring properties, contrary to local policies.

The case officer considered the following policies to be relevant to the application:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)  
TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)  
TCP11 - Protecting Residential Uses on Upper Floors (Warwick District Local Plan 1996 - 2011)

Negotiations with the property owner had not resulted in the cessation of the A3/A4 use and it was therefore considered that formal action was appropriate to resolve this breach of planning control.

Following consideration of the report and presentation, the Committee were of the opinion that enforcement action should be authorised.

**RESOLVED** that enforcement action ENF 312/34/10 be AUTHORISED directed at the cessation of the A3 and A4 use with a compliance period of one month.

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

### **174. ENF 450/48/09 – LAND ADJACENT TO OLD WARWICK ROAD, SHREWLEY**

The Committee considered an application from officers requesting enforcement action be authorised for the cessation of use of vehicular access from Old Warwick Road against Mr S Hoult.

The application site was originally one of a number of small plots sold off from agricultural land bounded by Old Warwick Road, Five Ways Road and Stoney Lane. The vehicular access for plots 5,6,7,8,9,10 and 11 was designed to be from an existing field access adjacent to a road lay-by in Old Warwick Road. Contractual agreements were to be put in place to allow an easement to all the plots from this communal access point crossing land owned by Mr Hoult.

In November 2009 it was brought to the attention of the enforcement section that a new vehicular access had been made from the B4439, Old Warwick Road, Shrewley to gain access to Plot 7 through a narrow strip of land owned by Mr Hoult.

The owner was contacted and informed that Planning Permission was required. A retrospective planning application was submitted [W10/0489] which was refused under delegated powers 14th September 2010 on highway safety grounds.

The result of this new arrangement was that there were now two road access points in very close proximity. Warwickshire County Council as the Highway Authority considered that having two accesses in such close proximity compromises safety at both accesses as the required visibility splays could not be achieved.

The new access was not created to address issues of Highway safety or other matters for consideration by the Planning Authority. It did however result in the removal of a section of established rural hedgerow and the laying of hardcore material which detracted from the rural character of the area.

The case officer considered the following policies to be relevant to the application:

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

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)

Negotiations with the property owner had not resulted in the removal of the hardcore material, the stopping up of the access or the reinstatement of the hedge, and it was the officer's opinion that formal action was appropriate to resolve this breach of planning control.

Following consideration of the report and presentation, the Committee were of the opinion that enforcement action should be authorised but that the use of the access be prohibited from the date the notice took effect.

**PLANNING COMMITTEE MINUTES (Continued)**

**RESOLVED** that enforcement action ENF 450/48/09 be AUTHORISED directed at the immediate cessation of the use of the vehicular access from the date that the enforcement notice takes effect; and it's removal/stopping up, the removal of the surface materials and the replanting of a hedge with a compliance period of TWO months.

(The meeting ended at 10.20pm)