

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 11 March 2009 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor MacKay (Chairman); Councillors Barrott, Mrs Blacklock, Copping, Davies, Dhillon, Edwards, Mrs Higgins, Illingworth and Rhead.

1. **DECLARATIONS OF INTEREST**

Minute Number 3 – W08/1487 – 87 Albion Street, Kenilworth

Councillor Mrs Blacklock declared a personal interest because she was a Ward Councillor for the application site, knew the objectors and was a customer of the existing shop.

Councillor Davies declared a personal interest because some of the objectors were known to him.

Councillor Illingworth declared a personal interest because he was a Ward Councillor for the application site and was familiar with the existing shop.

Minute 4 – W09/0052 and Minute 5 – W09/0053LB – Avon Cottage, 10 Church Road, Ashow, Kenilworth

Councillor MacKay declared personal and prejudicial interests as he was a Ward Councillor who was addressing the Committee in support of the applications. As such, he relinquished the chair for the duration of the two items and left the room after addressing the Committee, while the Committee debated the applications and reached a decision.

Minute Number 6 – W09/0055 – 23 Avon Street, Warwick

Councillor Mrs Higgins declared a personal interest because she was a Town Councillor for the application site, the Town Council were objecting to the application and because she knew one of the neighbours.

Councillor MacKay declared a personal interest because one of the objectors was known to him.

2. **MINUTES**

The minutes of the meeting held on 17 February 2009 were confirmed as a correct record and signed by the Chairman.

3. **87 ALBION STREET, KENILWORTH**

The Committee considered an application from Mr J Bahia for change of use from A1 retail (greengrocer) to A5 hot food outlet (fish and chip shop).

The application was presented to Committee because a number of objections had been received including one from Kenilworth Town Council.

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An addendum circulated prior to the meeting detailed further comments from Warwickshire Police on the applicant's offer to restrict the closing time to 20.00, and objections raised by five local residents in emails to the Council.

The Head of Planning 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)

UAP4 - Protecting Local Shopping Centres (Warwick District Local Plan 1996 - 2011)

PPS1 Companion Guide "Safer Places - The Planning System and Crime Prevention"

In the opinion of the Head of Planning, the proposal's impact on the local centre in retail terms was acceptable. Vehicle movements and demand for parking would not increase to such an extent to justify a refusal. The potential for odour nuisance from cooking smells could be dealt with by requiring the applicant to comply with the provisions agreed by Environmental Health. While there was a history of problems associated with anti-social behaviour in this locality, the incidence of problems had reduced following removal of a bus shelter near the shops. The Head of Planning recognised fears of local residents that previous problems may return if the hot food take away use was permitted, and attached some weight to these concerns, but did not feel there was compelling evidence to support a refusal on the grounds of potential crime or anti-social behaviour risk, and therefore recommended that the application be approved subject to a condition limiting the opening hours till 20.00.

The following people addressed the Committee:

Mr Skillend Objector

Mr M Coker Ward Councillor (objecting)

Following consideration of the Officers' report and presentation, along with information set out within the addendum and by those who addressed the Committee, the Committee were of the opinion that the application should be refused contrary to the recommendation in the report.

RESOLVED that application W08/1487 be REFUSED for the following reason:

The application site is within a Local Shopping Centre as defined in the Proposals Map to the Warwick District Local Plan 1996-2011, and Policy UAP4 aims to protect these Centres as day to day shopping facilities for local people. Policy DP2 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

It is considered that the proposed use would result in the undesirable loss of an existing retail use within the main part of this Local Centre, as it would result in 50% of the

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units being outside the A1 retail use class, and thereby undermine its current predominant retail character. Furthermore, it is considered that the proposed change of use would result in an unacceptable loss of amenity to local residents, by reason of increased disturbance, antisocial behaviour, potential for noise, smell and litter nuisance. In this context, the Planning Authority's view is reinforced by the objections of Warwickshire Police and the Council's Community Safety Officer who object to the proposed use on the grounds that it will encourage antisocial behaviour in the vicinity, in a locality with a history of anti-social behaviour.

The proposal is thereby considered to be harmful to the quality and vitality of the Local Centre, unneighbourly to local residents, and contrary to the aforementioned policies.

4. AVON COTTAGE, 10 CHURCH ROAD, ASHOW, KENILWORTH

Councillor Illingworth took the Chair for this item.

Prior to consideration of the application, legal advice was given in relation to the circulation of photographs prior to a meeting, which had recently been addressed by Standards Committee who were drafting a policy which would be presented to the Committee in the near future. Councillor MacKay clarified that a photograph circulated prior to this meeting was a colour version of a photograph already issued at a site visit on Saturday 7 March and also given to Councillors who had not attended the site visit. On that basis, circulation of this photograph was considered to be satisfactory.

The Committee considered an application from Mr Collett for the erection of a single storey side extension.

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

An addendum circulated at the meeting reported that two further residents supported the application.

The Head of Planning 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)

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

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

DP10 - Flooding (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)

DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)

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DAP1 - Protecting the Green Belt (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)
RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the proposed extension would be detrimental to the character and appearance of both the building itself, which was a listed building, and the Conservation Area as a whole. The proposal was therefore considered to be contrary to the policies listed.

The following people addressed the Committee:

Mr Collett	Applicant
Mr Cleary	Supporter
Mr B MacKay	Ward Councillor (supporting)

Following consideration of the Officers' report and presentation, along with information set out within the addendum and by those who addressed the Committee, the Committee were of the opinion that the application should be granted contrary to the recommendation in the report.

RESOLVED that application W09/0052 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(s) G1459/02 Rev.A, and specification contained therein, submitted on 22 January 2009 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) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods (including for the glazed link) at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;
- (5) no development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON:** To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011; and
- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

Reason for granting: The Planning Committee consider that the design, form and layout of the extension would be in keeping with the linear form of the site and is of sufficient quality such that it would not have an adverse impact on the historic interest and integrity of the listed building and because of its secluded location between the river and the existing properties it would not have an

PLANNING COMMITTEE MINUTES (Continued)

adverse effect on the Conservation Area or openness of the Green Belt. The Committee further considers that flexibility should be applied to the requirements of Policy RAP3 given the small size of the existing dwelling, thereby creating a dwelling of a size sustainable for future occupation.

5. AVON COTTAGE, 10 CHURCH ROAD, ASHOW, KENILWORTH

Councillor Illingworth remained in the Chair for this item.

The Committee considered an application from Mr Collett for the erection of a single storey side extension.

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

An addendum circulated at the meeting reported that two further residents supported the application.

The Head of Planning 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)

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

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

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

In the opinion of the Head of Planning, the proposed development of the listed building in question would not preserve or enhance the special architectural and historic interest and appearance of the District's Conservation Areas, and would be detrimental to the character and appearance of both the building itself and the Conservation Area. The proposal was therefore considered to be contrary to the policies listed.

Following consideration of the Officers' report and presentation, along with information set out within the addendum and by those who addressed the Committee under the previous, related, item, the Committee were of the opinion that the application should be granted contrary to the recommendation in the report.

RESOLVED that application W09/0053 LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

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- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) G1459/02 Rev.A, and specification contained therein, submitted on 22 January 2009 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) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced.
Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods (including for the glazed link) at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011; and
- (5) no development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON:** To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011.

Reason for granting: The Planning Committee consider that the design, form and layout of the extension would be in keeping with the linear form of the site and is of

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sufficient quality such that it would not have an adverse impact on the historic interest and integrity of the listed building and because of its secluded location between the river and the existing properties it would not have an adverse effect on the Conservation Area or openness of the Green Belt. The Committee further considers that flexibility should be applied to the requirements of Policy RAP3 given the small size of the existing dwelling, thereby creating a dwelling of a size sustainable for future occupation.

6. 23 AVON STREET, WARWICK

Councillor MacKay returned to the Chair at this point for the remainder of the meeting.

The Committee considered an application from Mr Khungay for construction of a pitched roof to an existing flat roof double garage.

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

The Head of Planning 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)

In the opinion of the Head of Planning, the proposed pitched roof would have a minor “unbalancing” effect as it would affect two of the four garages at the site. However, it was not considered to cause such harm as to warrant refusal. The proposal was not considered overdevelopment as the alterations to the garage roofs would not increase the size of the existing approved floor area. There was little direct impact on the amenities of adjoining neighbours in terms of light or outlook as the development adjoined the applicant’s own curtilage. The proposal was therefore considered to comply with the policies listed.

A motion to defer consideration of the application in order to allow for a site visit was proposed, duly seconded and lost with 2 votes in favour of the motion.

Following consideration of the Officers’ report and presentation, the Committee were of the opinion that the application should be refused contrary to the recommendation in the report.

RESOLVED that application W09/0055 be REFUSED for the following reason:

Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

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The proposal relates to two garages within a run of four which have a flat roof treatment and seeks to alter the roof treatment to only two of the block of four garages through the introduction of a pitched roof over half of the block. This is considered to be poor design since it would appear incongruous and would have an unbalancing effect on the overall run of garages.

The development is thereby considered to be contrary to the aforementioned policies.

7. DAIRY HOUSE, 60 KENILWORTH ROAD, LEAMINGTON SPA

The Committee considered an application from CB Propertys (Midlands) for conversion and extension of an office building to form 8 apartments.

The application was previously considered by the Planning Committee on 4 May 2006 and 21 August 2007, when it was resolved that planning permission should be granted, subject to a Section 106 agreement to secure 100% affordable housing. Since then negotiations had been taking place between the applicant and the Council's Housing Strategy team over the method for providing the affordable housing, but no agreement had been reached. The application was referred back to the Committee due to a recent change in Council policy relating to residential development.

The development had been required to be 100% affordable housing because the 'Managing Housing Supply' Supplementary Planning Document (SPD) prohibited new market housing. However, these restrictions were lifted on 4 February 2009 when the Council's Executive resolved to cease applying the SPD. Consequently there was now no affordable housing requirement for this development, and therefore no requirement for a Section 106 agreement. The development was below the size threshold where a proportion of affordable housing is required by Policy SC11.

The affordable housing issue was the only outstanding issue relating to this application. All other matters were assessed by Planning Committee when resolving to grant planning permission for the development in 2006 and, in the view of the Head of Planning, there had been no material change in circumstances since then to suggest a different conclusion. The proposal was therefore to grant planning permission without any Section 106 restrictions.

The Committee noted that a separate Section 106 agreement was in force in relation to the development of 42 units on the adjoining former Ince House / Kenilworth House site, which required the provision of 12 units of affordable housing in association with that development, or a payment in lieu of providing those units. This would be triggered when a set level of occupancy was reached and was being monitored. When that permission was granted, the Dairy House site was in office use and in separate ownership.

Following consideration of the officer's report and presentation, the Committee were of the opinion that a decision on the application should be deferred in order to allow the Interim Head of Legal Services time to clarify the current

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situation on the unilateral undertaking on Affordable Housing previously offered by the applicant and whether the affordable housing requirement for the adjacent site may be achieved on the Dairy House site.

RESOLVED that application W05/2081 be DEFERRED pending a report from the Interim Head of Legal Services clarifying the current situation on the unilateral undertaking on Affordable Housing previously offered by the applicant and whether the affordable housing requirement for the adjacent site may be achieved on the Dairy House site.

8. 12 GUY STREET, LEAMINGTON SPA

The Committee considered a retrospective application from Locke & England for new doors and windows with shutters, this being a reconfiguration of the existing elevation to Guy Street south and east.

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

An addendum circulated at the meeting included a public objection and comments from Warwick Town Council, which believed that a recently constructed wall was located on public open space and was not in the control or ownership of 23 Avon Street, and should therefore be removed in the interests of the general visual and other amenities of residents. A report on this issue to Warwick Town Council was requested.

The Head of Planning considered the following policies to be relevant to the application:

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

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

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

In the opinion of the Head of Planning, the three external shutters did not respect the character of the building, representing poor design which created a detrimental impact on the building and the character and appearance of the surrounding streetscene within the Conservation Area. Furthermore, the proposal would, if permitted, set an undesirable precedent for such alterations in the area that would thereby be made more difficult to resist and which both individually and cumulatively would have an adverse effect and further erode the established character and appearance of the Conservation Area generally. The proposal would thereby be contrary to the Local Plan Policies and guidance on shopfront security.

Prior to the meeting a request from the applicant had been received asking for deferment to allow him to address the Committee. The Committee were not minded to agree, given the lateness of the request. A proposal to refuse the application and to authorise enforcement action was proposed and duly seconded, but was lost by a vote of 3 in favour, 5 against and with one

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abstention. Another proposal was made and duly seconded, to defer making a decision on the application in order to allow time for Officers to discuss with the applicant the possibility of toning down the colour of the shutters, and was carried with 5 votes in favour of the proposal.

RESOLVED that a decision on application W08/1561 be **DEFERRED** in order to allow Officers time to discuss with the applicant the possibility of toning down the colour of the shutters.

9. 27 EDMONDSCOTE ROAD, LEAMINGTON SPA

The Committee noted that, since publication of the agenda, this item had been withdrawn by the applicant pending submission of a revised application, to include the provision of parking spaces to address the recommended reason for refusal.

10. FORMER HURRANS GARDEN CENTRE, MYTON ROAD, WARWICK

The Committee considered a retrospective application from Lidl UK for installation of ten external car park lighting columns and associated works.

The application was presented to Committee due to the number of objections and an objection from Warwick Town Council having been received.

An addendum included details of a further objection from a resident.

The Head of Planning considered the following policies to be relevant to the application:

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

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

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

In the opinion of the Head of Planning, the lighting columns and fittings were acceptable, particularly when compared with much larger columns on the adjoining main road. The visual impact of the lighting was not excessive, being no brighter than Myton Road and with little spillage of light from the site. While the store itself was very brightly lit, Lidl had declined to consider further action to reduce spillage and the Local Planning Authority could take no further action in this regard, as the internal lighting did not require consent. The applicants had fitted shields to the car park lights, in excess of the number requested by the County Ecologist, to prevent interference with a foraging area for bats over the canal, and an inspection of these shields had found them to be effective. The only remaining issue was the hours of operation of the lights: while the applicants had suggested that the lights should illuminate one hour before and one hour after closure of the store, the Head of Planning felt this should be shortened to half an hour before and half an hour after closing, allowing sufficient time for staff to arrive and depart in safety.

Following consideration of the Officers' report and presentation, along with information set out within the addendum, the Committee were of the opinion

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that the application should be granted in line with the recommendation in the report.

RESOLVED that application W08/1676 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall be retained strictly in accordance with the details shown on the approved drawings and specification contained therein, submitted on 8 December 2008, unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011, and
- (2) notwithstanding any information submitted with the application, the lights shall only be used when the store is open to the public and half an hour before and after the opening. **REASON:** To protect the amenities of surrounding properties and to protect the ecology of the area, in accordance with Policies DP2 and DP3 of the Warwick District Local Plan 1996-2011.

11. DENTAL SURGERY, 30 HAMILTON TERRACE, LEAMINGTON SPA

The Committee noted that, since publication of the agenda, this item had been withdrawn by the applicant pending submission of a revised application to show revised signage.

12. 2-24 KENILWORTH STREET, LEAMINGTON SPA

The Committee considered an application from Kigass Limited for demolition of 1950's buildings, restoration of Irwin Hall and its conversion to ten flats with retention of adjoining house as a single dwelling, and new build to form twenty flats, four shops and a car park.

The application was presented to the Committee as a Section 106 Agreement was being recommended to secure affordable housing (see also minutes 13 and 14 which relate to this application).

The Head of Planning considered the following policies to be relevant to the application:

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

DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)

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

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

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DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
SC10 - Managing Housing Supply (Warwick District Local Plan 1996 - 2011)
UAP2 - Directing New Employment Development (Warwick District Local Plan 1996 - 2011)
UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 1996 - 2011)
TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
Supplementary Planning Guidance: 'Managing Housing Land Supply'.

In the opinion of the Head of Planning, the site was wholly appropriate for a mixed development of retail and residential use, and the proposal would secure an acceptable restoration of two Grade II listed buildings and a substantial enhancement to this part of the Conservation Area. A similar scheme (W08/0007) incorporating basement car parking with larger shop units, an element of office use and 26 flats was supported by the Planning Committee on 20th May 2008. It was considered that the revised scheme now proposed was equally acceptable. The Head of Planning therefore recommended that planning permission be granted subject to the prior conclusion of a legal 'Section 106 Agreement' to secure the provision of 12 flats for affordable housing for rent.

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

RESOLVED that application W08/1717 be GRANTED subject to the prior conclusion of a legal 'Section 106 Agreement' to secure the provision of 12 flats for affordable housing for rent and 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 nos. 1174/01, 1174/DETAIL, 1174/15, 1174/16, 1174/21a, 1174/26a, 1174/27E,

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1174/28A and 1174/29A and specification contained therein, 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) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) all rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011. To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (5) full details of the proposed render mix, paint colour and detailing shall be submitted to and approved in writing before the development hereby permitted is first commenced. The development shall be completed strictly as approved. **REASON:** To protect the character and appearance of the Conservation Area as required by Policy DAP8 in the Warwick District Local Plan 1996-2011;
- (6) details of the air conditioning, ventilation and flue extraction systems including particulars of noise levels shall be submitted to and approved by the Local Planning Authority before any works commence on site. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

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- (7) no development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of airborne noise have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** In the interests of the amenities of future occupiers of the building, in accordance with the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (8) no development shall be carried out on the site which is the subject of this permission, until large scale details of shopfronts, conservation roof lights, doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011. To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (9) prior to the commencement of the development hereby permitted a plan to show the design of the cycle parking area for use in association with the development shall have been submitted to and approved by the District Planning Authority. The cycle parking area 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 and shall thereafter be retained available at all times for the storage of cycles used in association with the occupation of this development. **REASON:** To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (10) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be

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carried out other than in strict accordance with such approved details. **REASON:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011;

- (11) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON:** In the interests of fire safety;
- (12) before the development hereby permitted is first occupied a scheme for the disposal of rubbish from all uses proposed within this site, including means of storage and collection, shall be submitted to and approved in writing by the District Planning Authority. The scheme shall thereafter be strictly implemented as so approved. **REASON:** To protect the character and appearance of the Conservation Area and to secure a satisfactory form of development as required by Policies DP1 and DAP8 in the Warwick District Local 1996-2011;
- (13) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (14) no external lighting or sound amplification or tannoy system shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and

PLANNING COMMITTEE MINUTES (Continued)

approved in writing by the District Planning Authority. **REASON:** To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

- (15) the level of noise from the development hereby permitted measured one metre from the nearest face of the nearest noise sensitive premises shall not exceed the background level by more than 3 dBA (measured as LA eq (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 or similar) 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 surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;
- (16) the retail premises hereby permitted shall be used solely for purposes falling within Class A1 as defined in 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. **REASON:** Other uses may not be appropriate by reason of their impact on other making uses in accordance with the requirements of Policy DP1 in the Warwick District Local Plan 1996-2011;
- (17) the car park hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan, and shall thereafter be retained available at all times for the parking of vehicles. **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;
- (18) the development shall not be occupied until two accesses for vehicles have been provided to the site not less than 5 metres in width at any point, as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety and to secure a satisfactory means of access to the site in accordance with the requirements of Policy DP6 in the Warwick District

PLANNING COMMITTEE MINUTES (Continued)

Local Plan 1996-2011;

- (19) the development shall be laid out in general accordance with plan 1174/27c, with regard to the parking layout and ramp locations. **REASON:** In the interests of highway safety and to secure a satisfactory means of access to the site in accordance with the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (20) the accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a suitable bound material for a distance of 10 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON:** In the interests of highway safety and to secure a satisfactory means of access to the site in accordance with the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (21) the access to the site for vehicles shall not be used unless a public highway footway crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety and to secure a satisfactory means of access to the site in accordance with the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (22) the development shall not be occupied until all parts of the existing accesses 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:** In the interests of highway safety and to secure a satisfactory means of access to the site in accordance with the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (23) gates/barriers erected at the entrances to the site for vehicles shall not be hung so as to open to within 5.5 metres of the near edge of the public highway carriageway. **REASON:** In the interests of highway safety and to secure a satisfactory means of access to the site in accordance with the requirements of Policy DP6 in the Warwick District

PLANNING COMMITTEE MINUTES (Continued)

Local Plan 1996-2011; and

- (24) the development shall not be occupied until turning areas have been provided within the site so as to enable cars to leave and re-enter the public highway in a forward gear. **REASON:** In the interests of highway safety and to secure a satisfactory means of access to the site in accordance with the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011.

13. 2-24 KENILWORTH STREET, LEAMINGTON SPA

The Committee considered an application from Kigass Limited for demolition of a 1960's extension, restoration of Irwin Hall and its conversion to ten flats with retention of adjoining house as a single dwelling, and construction of extensions to form twenty flats, four shops and a car park.

The application was submitted to Committee in association with applications W08/1717 and W08/1725CA (see minutes 12 and 14).

The Head of Planning considered the following policies to be relevant to the application:

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

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

In the opinion of the Head of Planning, the proposed works of demolition would be wholly acceptable and the restoration of the exterior of the building would represent a considerable enhancement. Internal changes would be acceptable given the extent of previous works to the interiors of this 'listed' building which now contain few features of special architectural or historic interest.

Consequently, the proposals were considered to secure the future of the buildings in a wholly acceptable manner.

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

RESOLVED that application W08/1724 be GRANTED subject to the conditions listed below:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on

PLANNING COMMITTEE MINUTES (Continued)

the approved drawing nos 1174/01, /26A, /27E, /28A and 29A, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) no development shall be carried out on the site which is the subject of this permission until large scale details of all windows and doors have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To protect the historic character and appearance of the Listed Building as required by Policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011;
- (4) the roofing material for the development shall be natural slate, a sample of which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011; and
- (5) before the development hereby permitted is first commenced a schedule of works detailing all changes proposed to these listed buildings and the means of their construction shall be submitted to and be approved in writing by the District Planning Authority. The works shall therefore be undertaken strictly as so approved. **REASON:** To protect the historic character and appearance of these listed buildings as required by policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011.

14. 2-24 KENILWORTH STREET, LEAMINGTON SPA

The Committee considered an application from Kigass Limited for the demolition of 1950's buildings.

The application was presented to Committee in association with applications W08/1717 and W08/1724LB (see minutes 12 and 13).

The Head of Planning considered the following policies to be relevant to the application:

PLANNING COMMITTEE MINUTES (Continued)

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

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

In the opinion of the Head of Planning, these buildings were of no particular architectural merit and their demolition would not harm the character or appearance of the Conservation Area. It was considered, however, that it would not be desirable for the buildings to be demolished and the site left vacant; rather they should be demolished only as part of a wider scheme of redevelopment. It was therefore recommended that consent be granted subject to a condition tying the proposed demolition to the implementation of planning application W08/1717 reported elsewhere on this agenda.

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

RESOLVED that application W08/1725 CA be GRANTED, subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing no 1174/01, and specification contained therein, deposited with the District Planning Authority on 17th December 2008 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) the demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under planning permission W08/1717 has been made. **REASON:** To avoid the creation of an unsightly gap within the Conservation Area, in order to satisfy the requirements of DAP8 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

15. 61 AVENUE ROAD, LEAMINGTON SPA

The Committee considered an application from Avenue Lodge Guest House for the erection of a single storey letting room after demolition of an existing garage.

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

An addendum circulated at the meeting detailed information from the applicant, who had confirmed that there were 5 letting bedrooms within the existing property. The proposals would therefore take the total number of letting bedrooms to 6, and not 8 as stated in the report to Committee. Consequently the shortfall in spaces compared to the parking standards would only be 0-1 space (depending on whether the 2 proposed spaces in the yard were counted as 1 or 2 spaces given the limited manoeuvring space).

The Head of Planning considered the following policies to be relevant to the application:

Vehicle Parking Standards (Supplementary Planning Document)

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

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

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

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

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

UAP8 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the proposals would not have a significant impact on the living conditions of neighbouring dwellings and would preserve the character and appearance of the Conservation Area.

Furthermore, in the context of previous decisions on neighbouring sites and in view of the fact that there would be no loss of parking spaces, it was considered that a refusal on grounds of parking could not be justified. The proposal was therefore considered to comply with the policies listed.

Following consideration of the Officers' report and presentation, along with information set out within the addendum, the Committee were of the opinion that the application should be granted in line with the recommendation in the report.

RESOLVED that application W08/1754 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;

PLANNING COMMITTEE MINUTES (Continued)

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s), and specification contained therein, 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) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced.
Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) all rainwater goods for the development hereby permitted shall be metal. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (5) all window frames and doors shall be constructed in timber and shall be painted and not stained.
REASON: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011; and
- (6) the garage and car parking area shown on the approved plans shall be constructed prior to occupation of the development and thereafter be permanently retained for parking purposes for the application property. **REASON:** To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

16. COUNCILLOR INVOLVEMENT AT THE PRE-APPLICATION STAGE OF DEVELOPMENT PROPOSALS

The Committee considered a report from Planning setting out the rationale for a protocol for councillor involvement at pre- application stage in respect of development proposals.

PLANNING COMMITTEE MINUTES (Continued)

It was agreed that Councillors Mrs Blacklock, Edwards, Illingworth and MacKay would sit on the working party who would work out the details of the protocol.

RESOLVED that the Committee approves, in principle, the concept of a specific protocol for the introduction of a formal facility at which developers/prospective applicants can present their proposals to Councillors at pre-application stage. Subject to this “in principle” agreement, it is recommended that a working party of councillors and officers meet to work up the details of the protocol which would then be referred back to Planning Committee for final approval. Suggested broad headings for matters the protocol would cover were set out in paragraph 7.10 of the report.

(The meeting ended at 9.40 pm)