

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 26 February 2013 in the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Illingworth (Chairman); Councillors Mrs Blacklock, Mrs Bromley, Brookes, MacKay, Rhead, Weed, Wilkinson and Williams.

Councillor Williams was welcomed as a new member of the Committee.

There were no substitutes.

184. **DECLARATIONS OF INTEREST**

Minute Number 191 – W13/0062 – Albion House, 2 Emscote Road, Warwick

Councillor Mrs Bromley declared that she was a Ward Councillor for the site in question.

Minute Number 193 – ENF 402/39/12 – Land adjoining Glasshouse Lane, Lapworth, Solihull

Councillor Mrs Blacklock declared that a neighbour of the application site was known to her.

Councillor MacKay declared that the owner of the application site was known to him.

185. **SITE VISITS**

To assist with decision making, Councillors Mrs Blacklock, Mrs Bromley, Brookes, Illingworth, MacKay, Weed and Wilkinson visited the following application sites on Saturday 23 February 2013:

W12/1196 – Meadow Hill Farm, Lapworth Street, Bushwood, Lowsonford, Henley-in-Arden

W12/1631 – The Falcon Inn, Birmingham Road, Haseley, Warwick

W13/0062 – Albion House, 2 Emscote Road, Warwick

186. **MINUTES**

The minutes of the meetings held on 19 December 2012 and 15 January 2013 were approved and signed by the Chairman as a correct record.

187. **W12/1196 – MEADOW HILL FARM, LAPWORTH STREET, BUSHWOOD, LOWSONFORD, HENLEY-IN-ARDEN**

The Committee considered an application from Mr Wood for retrospective changes to elevations on a single storey extension.

This application was presented to the Committee because it had been deferred from the meeting of the Committee held on 5 February 2013 in

PLANNING COMMITTEE MINUTES (Continued)

order to allow for a site visit and because it was requested that enforcement action be undertaken.

Due to the complicated nature of the application, the report outlined the planning history of the site which included an application for change of use in 2008, an application for a new brick skin to the front elevation in 2009 and a Lawful Development Certificate for a garage for three cars in August 2012.

The applicant commenced both the 2008 and 2009 permissions concurrently for the two storey rear extension, the conversion and the brick skin, with significant alterations to the buildings. This meant that neither of the permissions related to the approved drawings. The changes relevant to the application were outlined fully in the report and explained in detail by the officer.

The issue with regards to the timing of the implementation of the 2008 and 2009 planning permissions was a technical matter, along with several minor works. However, unauthorised works to the outbuildings were considered unacceptable because they resulted in a very domesticated appearance to the existing outbuilding.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
National Planning Policy Framework

It was the officer's opinion that the changes to the outbuildings created an appearance which had radically altered the former agricultural building's visual composition by introducing overly domesticated features. These had created a visually incongruous structure within the landscape, bearing little or no resemblance to an agricultural building and thus defeating the aims of re-using rural buildings contrary to the aims of the National Planning Policy Framework (NPPF) to ensure that conversions preserved the openness of the Green Belt and did not conflict with the purposes of including land in the Green Belt.

An addendum to the report stated that several letters had been received giving character references for the applicant. Additionally, Rowington Parish Council supported approval of the application because; the fenestration details were insignificant and had no impact on the street scene, neighbours, landscape or Green Belt; the glazing to the rear allowed increased solar gain and, as the alterations were to the rear, they had no impact whatsoever; the buildings were domesticated as they formed part of

PLANNING COMMITTEE MINUTES (Continued)

the house; and there was no longer an agricultural building and changes enhanced the appearance of the buildings.

The addendum stated that the outbuildings had approval for the new brick skin which meant that the existing buildings were housed within a new skin. The buildings were not listed and the footprint of the buildings had not increased. The applicant had permission to demolish the existing buildings and to rebuild.

Mr Winn addressed the Committee, stating that he was an architect who had worked on the property with the applicant. He talked about the outbuilding having permission for a brick skin and his opinion that this was a suitable shell. He pointed out that the applicant had permission to knock down the building and completely rebuild it, but that the development as it stood was much preferable and that it was a considerable improvement on how the site had looked prior to refurbishment. Mr Winn felt that it would be disproportionate to refuse the application.

Mr Wood addressed the Committee in support of his application. He apologised for having not sought all the approvals required for development, which had been an oversight on his part. He did not feel that the scheme conflicted with the NPPF and he had been careful not to build the house bigger than he had approval for. He was concerned that if the application was rejected he would have to sell the property. He did not think that the large windows were sufficient grounds to reject the development and requested that the Committee approve the application.

Following the site visit on 23 February 2013, consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee was of the opinion that the application should be approved contrary to the recommendations in the report, but with conditions requiring; that the development only be used as a single dwelling and no part of it be used as a separate dwelling; a renewable energy requirement; and control of permitted development rights for outbuildings.

RESOLVED that W12/1196 be APPROVED subject to conditions requiring; that the development only be used as a single dwelling and no part of it be used as a separate dwelling; a renewable energy requirement; and control of permitted development rights for outbuildings.

188. W12/1631 – THE FALCON INN, BIRMINGHAM ROAD, HASELEY, WARWICK

The Committee considered an application from Marstons PLC for retention of a canopy and enclosure to an outdoor drinking and eating area.

This application was presented to the Committee because it was requested that enforcement action be taken.

The 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)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

It was the officer's opinion that, due to the size, materials and location of the structure, it conflicted with the objectives of the National Planning Policy Framework which stated that the construction of new buildings was inappropriate development within the Green Belt. The applicant had not identified very special circumstances to justify the development which would outweigh the harm caused by the structure to the openness of the Green Belt.

Mr Clapp addressed the Committee on behalf of Beusale, Haseley, Honiley and Wroxall Parish Council. He argued that the development did not impact upon the openness of the Green Belt because it was not visible from the road or by the general public, it did not affect the ambience of the area and the only property within earshot was a barn conversion which had been converted after the canopy's erection. The Falcon Inn was a rural enterprise which the Parish Council was keen to support.

Mr Hearn addressed the Committee in support of the application, which had been put forward in order to facilitate a lease on the pub; the outdoor area had to be formalised in order for the lease to be approved. The enclosure offered a different dynamic to the pub and provided valuable business, bringing in new and different clientele and keeping the pub competitive. The canopy was of a contemporary design, minimal in nature and did not impact upon the principle elevations of the pub building. Mr Hearn was concerned that the lease may not continue if the enclosure were to be removed.

Following the site visit on 23 February 2013, and consideration of the report and presentation, along with the representations made at the meeting, the Committee was of the opinion that planning permission should be approved contrary to the recommendations in the report, subject to conditions requiring that there be no amplified music in the area at any time and that officers agree a scheme for treatment of the enclosure's end wall to screen the neighbour from noise and which is maintained.

RESOLVED that W12/1631 be APPROVED subject to conditions requiring that there be no amplified music in the area at any time and that officers agree a scheme for treatment of the end wall to screen the neighbour from noise and which is maintained.

189. W13/0006 LB – 19-21 PARADE, ROYAL LEAMINGTON SPA

The Committee considered an application from Poundland for proposed alterations to the internal layout and a new goods lift to the first floor, together with replacement of the existing signage to the front elevation.

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

PLANNING COMMITTEE MINUTES (Continued)

The officer considered the following policies to be relevant:

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

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

Design Advice on Shop fronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

It was the officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property was situated. The proposal was therefore considered to comply with the policies listed.

An addendum stated that a petition of 382 signatures had been received, objecting to the application on the grounds that other businesses at the lower end of the town needed support and the application would have a negative effect upon them. However, this was not a material consideration when determining the application.

Following consideration of the report and presentation, and the information contained within the addendum, the Committee was of the opinion that Listed Building consent should be granted in accordance with the recommendations in the report.

RESOLVED that W13/0006 LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted shall begin not later than 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); and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 06D, 08D and 07E, and specification contained therein, submitted on 9 January 2013 and 30 January 2013. **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.

190. **W13/0020 – 19-21 PARADE, ROYAL LEAMINGTON SPA**

This application was considered at the same time as W13/0006 LB.

The Committee considered an application from Poundland for the installation of replacement non-illuminated 300mm high letters.

PLANNING COMMITTEE MINUTES (Continued)

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

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
Design Advice on Shop fronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance)

It was the officer's opinion that the proposals would not detract from the amenity of the area and would not be detrimental to public safety. The proposals were therefore considered to comply with the policies listed.

An addendum stated that a petition of 382 signatures had been received, objecting to the application on the grounds that other businesses at the lower end of the town needed support and the application would have a negative effect upon them. However, this was not a material consideration when determining the application.

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

RESOLVED that W13/0020 be GRANTED subject to the following condition:

the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing numbers 08D and 07E, and specification contained therein, submitted on 9 January 2013 and 30 January 2013.

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.

191. W13/0062 – ALBION HOUSE, 2 EMSCOTE ROAD, WARWICK

The Committee considered a retrospective application from Mrs Kelham for the retention of a balcony at first floor level to the rear and relocation of external stairs approved under application W/06/1803.

This application was presented to the Committee because representations had been received.

The 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)
DP9 - Pollution Control (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)

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

An addendum stated that Warwick Town Council and Warwick District Council's Conservation Officer had raised no objections. However, 4 Emscote Road objected on the following grounds:

- retrospective consent was sought for works which they would have objected to had they been part of the original application. Works had been on-going since 2006. Compliance with approved planning policies was queried;
- the proposal increased the development from a minimal width walkway to a large area suitable for more permanent occupation as a sitting out area;
- noise and disturbance associated with traffic on the balcony and stairs heard throughout adjoining rooms in no.4;
- loss of privacy due to the balcony siting directly below a skylight for no.4;
- the suitability of the stated purpose of the balcony (to provide access to a toilet for elderly and disabled relatives) was queried;
- harm to the character of the Conservation Area due to incongruous and ill thought out design. The original less extensive permission had raised objection from the Conservation Officer; and
- inconsistencies in the application. The balcony was supported by the end wall of the lean-to, which had not existed prior to this development.

Following the site visit on 23 February 2013, consideration of the report and presentation, and the information contained within the addendum, the Committee was of the opinion that the application should be granted in accordance with the recommendations in the report.

RESOLVED that W13/0062 be GRANTED subject to the following condition:

the development hereby permitted relates strictly to the details shown on the site location plan and approved drawings (MJH 28/06/11 submitted on 25 January 2013 and Proposed Balcony Plan & Stair Plans submitted on 17 January 2013) and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form

PLANNING COMMITTEE MINUTES (Continued)

of development in accordance with Policies DP1 and DAP4 of the Warwick District Local Plan 1996-2011.

192. W11/0320 – 73 WARWICK STREET, ROYAL LEAMINGTON SPA

The Committee considered an application from Alveston Developments Ltd for an extension of the time limit for implementation of planning permission W04/1111 for part demolition of the existing building and construction of alterations to provide retail storage and a fire escape in the basement, retail on the ground floor and 18 flats above.

This application had previously been considered by the Planning Committee on 27 November 2012, at which time permission had been granted, subject to conditions and the completion of a section 106 legal agreement to secure contributions for libraries, open space and welcome travel packs. In addition, the legal agreement was to ensure that the future occupiers of the proposed flats would not be able to apply for residents parking permits, thereby effectively creating a car free development.

During preparation of the legal agreement it became apparent that future occupiers of the proposed flats would still be entitled to parking permits and would be issued with them if they applied. In light of this, the wording of the legal agreement, which merely stated that 'best endeavours' should be made to prevent future occupiers applying for permits, was considered inadequate and potentially not fit for the purpose it was intended.

It was considered that a more appropriate and effective measure would be to impose a Grampian condition prohibiting first occupation of the development until such time that a Traffic Regulation Order (TRO) had been made by Warwickshire County Council to remove the development from the Residents' Parking Zone (RPZ) which would mean future occupiers would not be entitled to apply for parking permits. The fee for the TRO would need to be borne by the applicants and this would be secured by an additional obligation in the section 106 agreement.

The 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)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

PLANNING COMMITTEE MINUTES (Continued)

TCP2 - Directing Retail Development (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)

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

DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)

SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

Affordable Housing (Supplementary Planning Document - January 2008)

It was the officer's opinion that the proposed development was acceptable in principle and would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. Furthermore, it would not adversely harm highway safety, the viability of the town centre or the amenity of nearby residents and it would provide adequate living conditions for future occupiers. Whilst the development did not comply with Policy SC11, it was considered that a departure from the Local Plan in this regard could be justified in the interests of the viability of sustainable development in accordance with paragraph 173 of the NPPF. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report and presentation, the Committee was of the opinion that the application should be granted in accordance with the recommendations in the report, noting that failure to complete the agreement by 31 March 2013 may result in planning permission being refused.

RESOLVED that W11/0320 be GRANTED, that the Committee's previous resolution to grant planning permission be amended, subject to conditions including a Grampian condition relating to the Traffic Regulation Order (TRO) and the completion of a Section 106 Legal Agreement including an additional obligation relating to the TRO fee, and the following conditions:

- (1) the development hereby permitted shall begin not later than five years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos. 860/20F, 21F, 22J, 24H, 25J, 33C and 40A, and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy DP1 of the Warwick District Local

PLANNING COMMITTEE MINUTES (Continued)

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 balconies, dormers, parapets, external fire escape and covered fire escape route leading thereto, render detailing, 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 Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DP8 of the Warwick District Local Plan 1996-2011;
- (4) samples of all external facing materials including details of render and colour thereof 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 Policies DP1 and DAP8 of the Warwick District Local Plan;
- (5) no development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse 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:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (6) 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, both noise transmission within the building (between flats and between the retained retail area and the flats) and of airborne noise have been submitted to and approved by the District Planning Authority and the development shall

PLANNING COMMITTEE MINUTES (Continued)

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 and to satisfy Policy DP2 of the Warwick District Local Plan 1996-2011;

- (7) 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 or near to the site, 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. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (8) the development hereby permitted shall not be occupied unless or until a Traffic Regulation Order has been made by the Highway Authority to remove the application property from the existing Traffic Regulation Order thereby securing the removal of the rights of the applicant/ future owner/ tenants of the application property to apply for residents parking permits. **REASON:** To ensure the proposed development does not result in an increase in on-street parking pressure in an area with already high demand to the detriment of highway safety and residential amenity in accordance with Policies DP8 and DP2 and the Vehicle Parking Standards SPD of the Warwick District Local Plan 1996-2011; and
- (9) no external lighting 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 approved in writing by the Local Planning Authority. **REASON:** To protect the amenity of the occupiers of nearby

PLANNING COMMITTEE MINUTES (Continued)

properties, and to satisfy the requirements of Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011.

Failure to complete the agreement by 31 March 2013 may result in planning permission being refused.

193. ENF 402/39/12 – LAND ADJOINING GLASSHOUSE LANE, LAPWORTH, SOLIHULL

The Committee considered a report in respect of unauthorised development involving the change of use of land for the stationing of a residential mobile home.

The report was presented to the Committee in order to request that enforcement action be authorised.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design
RAP1 - Directing New Housing
National Planning Policy Framework

Unauthorised development involving the permanent stationing of a residential mobile home had been undertaken at this site which was located in the open countryside and Green Belt and which had a use for the private stabling of horses.

The mobile home was understood to be occupied by the owner of the horses between 2 and 3 times a week to tend to the horses. Whilst the owner of the horses had also provided a separate postal address for correspondence, the installation of a letter box at the entrance to the site indicated a more permanent residential use.

Since 2002, planning permission had been granted for stabling and storage buildings and extensions in connection with the private equestrian use of the site. Most recently in April 2012 this included the grant of planning permission for the erection of an extension to the existing stables to provide a larger hay store under application reference W/12/0205. This permission had not been implemented.

In August 2012, planning permission had been refused for the erection of a replacement stable block which, because of its size and design, was considered to be inappropriate development in the Green Belt to which there was an objection in principle. No very special circumstances sufficient to outweigh that objection had been brought forward. That scheme was currently the subject of an on-going appeal.

The site was considered to be located in an unsustainable location in the open countryside and Green Belt where national and Development Plan policies sought to resist new residential uses. The stationing of a mobile home at the site, by its very nature, impacted on the openness of the Green Belt such that it was considered to comprise inappropriate development. By virtue of its location and prominence it was also

PLANNING COMMITTEE MINUTES (Continued)

considered to be detrimental to the visual amenities and the character of the surrounding area.

For those reasons, there was an objection in principle to the retention of the unauthorised use in respect of which there were no known very special circumstances sufficient to overcome that objection.

The enforcement investigation began in September 2012. As part of that investigation, the responsible parties had been requested to voluntarily remedy the situation, to date without success.

It was the officer's opinion, in view of the extent of material planning harm arising from the use of the land for the stationing of the residential mobile home and the absence of very special circumstances and of a voluntary resolution of the matter to date, that formal enforcement action was now required in order to remedy this outstanding matter.

Whilst there was evidence that the unauthorised use was continuing on a permanent basis at the site, from the information provided by the owner, the mobile home did not currently comprise their main residence. For that reason, it was considered that a period of 2 months to comply with an Enforcement Notice was both appropriate and proportionate.

Following consideration of the report and presentation, the Committee was of the opinion that enforcement action should be authorised, with a compliance period of two months, in accordance with the recommendations in the report.

RESOLVED that ENF 402/39/12 be AUTHORISED for the cessation of the use of the site for the stationing of a residential mobile home, with a compliance period of two months.

194. ENF 024/3/13 – LAND AT OLD MILVERTON LANE, ROYAL LEAMINGTON SPA

The Committee considered a report in respect of; unauthorised use of land for commercial storage purposes and the stationing of residential caravans; the undertaking of engineering operations comprising the excavation of land and the movement and stockpiling of material to create bunds and vehicle access ways; and the installation of a hard standing area/widened vehicular access at the entrance to the site.

The report was presented to the Committee in order to request that enforcement action be authorised.

The officer considered the following policies to be relevant:

DP1 - Layout and Design

DP3 - Natural and Historic Environment and Landscape

DP6 - Access

RAP6 - Directing New Employment

National Planning Policy Framework

PLANNING COMMITTEE MINUTES (Continued)

As part of investigations into alleged breaches of planning control at this site, unauthorised works had been identified as follows:-

- (1) the use of land for commercial storage uses including the stationing of in excess of 50 storage containers which it was understood were rented out to third parties on part of the site; the storage of scaffolding, other equipment and vehicle trailers on another part of the site; and the storage of other miscellaneous items on land immediately adjacent to the River Avon;
- (2) the use of part of the site for the stationing of residential caravans;
- (3) the undertaking of engineering operations comprising the excavation of land and the movement and stockpiling of material to create bunds and a vehicle access way; and
- (4) the installation of a hard standing area/widened vehicular access at the entrance to the site.

The majority of the above works and activities were identified in late January/early February 2013. It appeared that works had commenced following the sale of adjacent land at Quarry Farm for redevelopment. That site was formerly in use for commercial storage and the evidence was that the stored items and materials had been removed from that site onto adjoining land prior to that redevelopment commencing.

In view of the extent and nature of the engineering operations taking place at the site, a Temporary Stop Notice had been issued on 5 February 2013 requiring those works to cease. That notice had a life of 4 weeks after which it would expire.

Whilst discussions were currently continuing with the owners/occupants of the site, it was the officer's opinion that, in view of the significant adverse impact of the unauthorised development described above, authorisation for formal enforcement action should be sought in order that it may be employed to remedy these outstanding matters.

Following consideration of the report and presentation, the Committee was of the opinion that enforcement action should be authorised in accordance with the recommendations in the report.

RESOLVED that ENF 024/3/13 be AUTHORISED in respect of the following:

- (1) the permanent cessation of the use of the land for commercial storage purposes with a compliance period of 2 months;
- (2) the permanent cessation of the use of the land for the stationing of residential caravans with a compliance period of 2 months;
- (3) the permanent removal in their entirety from the site of bunds and vehicle access ways and the reinstatement of the sites to their former condition with a compliance period of 2 months; and

PLANNING COMMITTEE MINUTES (Continued)

- (4) the permanent removal from the site of the hard standing area/widened vehicular access at the entrance of the site onto Old Milverton Lane and the reinstatement of its site to its former condition as a field entrance with a compliance period of 2 months.

195. ENF 111/15/11 – WROXALL ABBEY, WROXALL

The Committee considered a report in respect of unauthorised installation and erection of hard surfaced areas, sheds, a marquee extension, pergolas and covered walkways.

The report was presented to the Committee in order to request that enforcement action be authorised.

The officer considered the following policies to be relevant:

DP1 - Layout and Design
DP3 - Natural and Historic Environment and Landscape
DP4 - Archaeology
DP8 - Parking
DAP4 - Protection of Listed Buildings
DAP11 - Protecting Historic Parks and Gardens
National Planning Policy Framework

As part of a comprehensive investigation into alleged breaches of planning control at this site, unauthorised works had been identified as follows:-

- (1) erection of a marquee and the subsequent extension of that marquee including the installation of an associated hard surface area;
- (2) erection of pergolas on existing hard surfaced areas;
- (3) erection of covered walkway structures and associated hard surfaced areas;
- (4) erection of 3 sheds and a portable building. The portable building and one of the sheds were located in the kitchen garden to the rear of the main hotel building. A further shed was located on the green between the main hotel building and St Leonards Church. The third shed was located on a hard surface adjacent to the Crinkle Crankle wall within the Wren Garden;
- (5) creation of additional car parking between the hotel building and St. Leonards Church;
- (6) boarding up of an opening in the rear elevation of the Listed Court Yard Building;
- (7) laying of hard surface areas adjacent to the Crinkle Crankle Wall within The Wren Garden;
- (8) creation of a terrace with feature pools to the side and rear of the main hotel building; and
- (9) stationing of 8 mobile homes for the purposes of employee accommodation to the rear of the kitchen garden.

PLANNING COMMITTEE MINUTES (Continued)

Responsible parties had voluntarily removed 4 mobile homes, the portable building and one of the sheds. They had also in-filled the opening in the Court building in an appropriate manner.

Whilst 4 mobile homes remained at the site for the use of hotel employees, there was evidence that those vehicles had been continually stationed at the site for that purpose for in excess of 4 years and therefore no further action could be taken in that respect.

A Certificate of Lawfulness had been issued in respect of an existing marquee within the Wren Garden: evidence submitted with that application was sufficient to demonstrate that the marquee became lawful in 2007. There was also evidence that the creation of additional car parking by means of the laying of a hard surface was undertaken over 4 years ago such that no further action could be taken in that respect.

However, the following matters remained to be resolved:-

- (1) creation of a concrete hard surface area and the positioning of a shed adjacent to the Crinkle Crankle Wall;
- (2) erection of a substantial extension to an existing marquee and associated hard surfaced area within the Wren Garden;
- (3) the installation of covered walkways, pergolas and associated hard surfaced areas within the Wren Garden; and
- (4) erection of a shed on the green between the main hotel building and the church yard.

It was the officer's opinion that, following the absence of any voluntary resolution in respect of the above matters, and in view of the significant adverse impact of the above unauthorised development on the historic character and appearance of this site and the heritage assets located therein, and on the openness and visual amenities of the Green Belt, it was considered that formal enforcement action was now required in order to remedy these outstanding matters.

Following consideration of the report and presentation, the Committee was of the opinion that enforcement action should be authorised in accordance with the recommendations in the report.

RESOLVED that ENF 111/15/11 be AUTHORISED in respect of the following:

- (1) the permanent removal in their entirety of the concrete hard standing the subject of this report and the metal shed positioned on that hardstanding and the reinstatement of that area to its former condition as a landscaped garden with a compliance period of 3 months;
- (2) the permanent removal in their entirety of the marquee extension; pergolas and associated hard surfaced areas and the reinstatement of the areas to their former condition as a landscaped garden with a compliance period of

PLANNING COMMITTEE MINUTES (Continued)

3 months;

- (3) the permanent removal in their entirety of the covered walkways and associated hard surfaced areas and the reinstatement of the areas to their former condition as a landscaped garden with a compliance period of 3 months; and
- (4) the permanent removal in its entirety of the shed with a compliance period of 6 months.

(The meeting ended at 7.45 pm)