

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 1 May 2012 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

224. SUBSTITUTES

Councillor Dagg substituted for Councillor Mrs Higgins.

225. DECLARATIONS OF INTEREST

Minute Numbers 227 & 228 – W10/1103 and W10/1104 CA – Warwick Racecourse, Hampton Street, Warwick

Councillors Mrs Blacklock, Brookes, Copping, Dagg, Ms Dean, Illingworth, Kinson, MacKay and Rhead declared personal interests because the District Council was the land owner.

Minute Number 229 – W11/1248 – 57 Common Lane, Kenilworth

Councillor Dagg declared a personal and prejudicial interest because he had taken part in the debate when the application had been discussed at Kenilworth Town Council. He left the room whilst the item was discussed.

Minute Number 232 – W11/1444 – 15 Convent Close, Kenilworth

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

Councillor Dagg declared a personal and prejudicial interest because he had taken part in the debate when the application had been discussed at Kenilworth Town Council. He left the room whilst the item was discussed.

Minute Number 236 – W11/1468 – Land adjacent to Woodloes Tavern, Woodloes Avenue South, Woodloes Park, Warwick

Councillor Mrs Blacklock declared a personal interest because she was a member of the Co-operative Society.

Minute Numbers 239 & 240 – W11/1049 & W11/1050 LB – Packwood House, Packwood Lane, Lapworth, Solihull

Councillors Mrs Blacklock, Copping, MacKay and Rhead declared personal interests because they were National Trust members.

Minute Number 241 – W11/1249 – Flat 1, 61 Clarendon Street, Royal Leamington Spa

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

Minute Number 242 – W11/1394 – Former Multilines, The Trading Estate, Common Lane, Kenilworth

Councillor Mrs Blacklock declared a personal interest because she had previously attended an exhibition by this developer.

Councillor Dagg declared a personal and prejudicial interest because he had taken part in the debate when the application had been discussed at Kenilworth Town Council. He left the room whilst the item was discussed.

226. MINUTES

The minutes of the meetings held on 20 March and 10 April 2012 were taken as read and signed by the Chairman as a correct record.

227. W10/1103 – WARWICK RACECOURSE, HAMPTON STREET, WARWICK

The Committee considered an application from Jockey Club Racecourses Ltd for the erection of a 100 bedroom hotel and new racecourse entrance on Warwick Racecourse land adjacent to Hampton Street. This included the demolition of existing bungalow and racecourse entrance building and provision of vehicle parking, landscaping, groundworks, drainage works, provision and /or upgrade of services and related media and apparatus; and miscellaneous ancillary and associated engineering and other operations.

The site fell within the urban area of Warwick, adjacent to the entrance to the racecourse and St Mary's Lands, at the junction of Friar Street, Hampton Street and Crompton Street.

The application was presented to the Committee because of the number of objections received including one from Warwick Town Council.

The Committee attended a site visit on Saturday 28 April 2012 to assist them in reaching their decision.

The case officer considered the following policies to be relevant:

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

SC15 - Public Art (Warwick District Local Plan 1996 - 2011)

Vehicle Parking Standards (Supplementary Planning Document)

Distance Separation (Supplementary Planning Guidance)

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)

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

National Planning Policy Framework

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

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

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DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (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)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)
SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the proposals would be in accordance with the Development Plan and there were no other material considerations to indicate that planning permission should be refused. The applicant had provided evidence regarding the current and future viability of the business, including a Financial Assessment and appraisal evidence assessed by an Independent Chartered Surveyor. In conclusion, officers felt that the economic benefits were significant material considerations to be weighed in favour of the proposal and outweighed any harm to the Conservation Area.

Councillor J Holland addressed the Committee and stated that the development was too big and was in the wrong place. He reiterated the comments made by Warwick Town Council in their objection which included concern for residents due to the height of the building, the affect on the cycle route and increased traffic problems.

Dr C Hodgetts addressed the Committee on behalf of CAAF who reminded members that they needed to find a balance between the impact the development would have versus the economic benefits. She stated that the openness of the area was characteristic and the views into and out of Warwick would be adversely affected. She made reference to conserving the heritage assets of the town, especially this area which had been used as a playground for local towns' people since the 13th century.

Four members of the public had registered to speak in objection to the application and had agreed to share the 15 minutes allotted time.

Mr N Hamilton spoke first as a local resident and a member of Warwick Racecourse. He had a number of concerns and agreed with the Conservation Architect's comments that the development was too large for the existing site. Residents were worried about the potential for loss of privacy and light, an increase in noise and did not feel that the 45 degree rule had been met. In addition, he stated that the 81 proposed car parking spaces would not be sufficient.

Mr B Swindells, owner of the Warwick Arms Hotel, spoke in objection to the application, and represented a number of local hoteliers, Bed & breakfast

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owners and other accommodation providers. He advised that it was a commonly held view that this development was not wanted because it would have an adverse affect on existing hotels in the area. He referred to statistics that showed a downturn in profits since the introduction of the Premier Inn locally and felt this would also be a "blight" on Warwick Town Council businesses.

Ms C Tupper addressed members with concerns regarding the increase in traffic, specifically in Hampton Street and Friar Street and not just on race days. She had calculated that there would be approximately 60,000 carbon car movements per year, based on an 80% occupancy rate at the hotel. She highlighted a risk to child cyclists and stated that a number of Aylesford School pupils had objected. She also made reference to the Council expressing concern over the air quality in Hampton Street and felt that the development would have a negative effect on the health and wellbeing of local residents.

Mr J Mackay addressed the Committee and reiterated the Town Council's comments. He made reference to the various planning policies that he felt the application was contrary to including those dealing with traffic and air quality and the effect on the setting and area. He concluded that the economic benefits being referred to were a mirage and felt that local business people's incomes would be threatened.

Mr D Hill, Chairman of Warwick Racecourse, spoke to the Committee and explained that the Jockey Racing Club Ltd also owned or managed 14 other race courses throughout the country. The company had invested £2 million into the development of facilities at Warwick Racecourse so far. He gave some background as to the affect that the recession had had on the reduction in levy for the company and, although they had seen attendance increase in 2011, the company had moved into a loss making position.

He highlighted that currently, Warwick Racecourse was only operational for twenty days a year and the addition of a hotel would be a major benefit for them. He stated that the Jockey Club had worked tirelessly with officers and the community to improve visitors' first impressions of the facility. In turn, they forecast that this would bring over £1 million per year to local businesses.

He hoped that members would feel able to support the preservation of the racecourse as a viable attraction and reminded them of the high levels of support received. He concluded that there were 50 thousand annual racegoers who would be visiting and spending their money in Warwick and urged the Committee to assist economic regeneration through the planning process.

Councillor Dhillon addressed the committee in his capacity as Ward Councillor and requested members refuse the application because it was unpopular with local residents and the mass and bulk of the building was gross overdevelopment. He felt that the introduction of a larger bar facility on site would give rise to antisocial behaviour and would damage the conservation area. He also felt that there were suitable alternative sites available, as close as 100 yards away. He made reference to air pollution, traffic problems and stated that the development would lead to a loss of jobs in the town centre. Drawing on his experience as an accountant, he

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did not feel that the costings provided were accurate and warned the Committee that they had been 'hoodwinked' if they believed them.

Councillor MacKay addressed members and reminded them that this was a balance between the negatives and the positives. He listed the alleged negatives and made reference to the comments made by English Heritage. He also reminded them that 43 alternative sites had been looked at and rejected and, although he accepted that the view of the common would alter, the common itself would not be compromised. In response to the bar facility, Councillor MacKay reminded members that there was a condition included which limited the use of the bar to guests only and only at certain times.

He advised that he had received 26 supporting letters and felt there was a need to grow Warwick town centre and increase footfall. He reminded members of the financial benefits that the Racecourse brought to the town and felt this was an opportunity to benefit further. He therefore proposed that the application be granted and this was seconded by Councillor Illingworth.

Councillor Brookes requested that a condition be added which would limit the proposed employment opportunities be limited to local residents and it was agreed by the proposer and seconder that this could be added.

Some members were uncertain that the benefits proposed would outweigh the negatives. In addition, they felt that the existing on site restaurant, '1707', would have the advantage of attracting the hotel's visitors over the town's businesses. Concerns were also raised regarding the level of car parking available, especially on race day, but noted that the officers were confident that the demand could be met.

In addition, some members felt that the economic benefits were greater for the Racecourse itself and residents and businesses would be detrimentally affected. Councillor Copping was not content with the screening of the hotel because he felt that the architectural development should not need to be hidden and most members were unhappy with the major changes to countryside views.

Alternatively, some members highlighted that they had received many letters of support and felt that the development was in line with National Planning Policy Framework and supported sustainable development .

A vote was taken on the proposal to grant the application in line with the officers recommendations but was lost 4 votes to 6 against.

It was, therefore, proposed and duly seconded that the proposal be refused, contrary to the officers recommendations because the development was overbearing in mass and height and would have a detrimental effect on the Conservation Area in which it was situated.

RESOLVED that item W10/1103 be REFUSED for the following reasons:

- (1) the design, mass and scale of the proposed building does not preserve or enhance the

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character or appearance of the Conservation Area contrary to policies DP1 and DAP8 of the Local Plan and not outweighed by the public benefits with reference to Section 12 of the NPPF;

- (2) the scale and position of the proposed building does not respect important views into the Conservation Area contrary to policy DAP8 of the Local Plan;
- (3) the scale and mass of the proposed building has an overbearing impact on the residential properties opposite on Hampton Street causing harm to their amenity and thereby contrary to policy DP2 of the Local Plan; and,
- (4) the design, mass and scale of the proposed building will adversely affect the setting of 6 Hampton Street, a Grade II listed building, contrary to policy DAP4 of the Local Plan.

228. W10/1104 CA – WARWICK RACECOURSE, HAMPTON STREET, WARWICK

The Committee considered an application from Jockey Club Racecourses Ltd for the demolition of an existing bungalow and racecourse entrance building.

The application was presented to the Committee because it was directly related to W10/1103 which dealt with the planning permissions for the development. There had also been a number of objections received from Warwick Town Council, Warwick Society, the Conservation Architect and a large number of members of the public.

The Committee attended a site visit on Saturday 28 April 2012 to assist them when reaching a decision.

The case officer considered the following policies to be relevant:

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

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

National Planning Policy Framework

It was the case officer's opinion that the proposed demolition would not result in harm to the character or appearance of the Conservation Area and therefore was considered to comply with the policies listed.

As this item was taken in conjunction with the previous application on the agenda, members were mindful that the comments and issues raised by the speakers on W11/1103, also applied to this application.

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The Committee felt that following refusal of the related application, and in the absence of a suitable replacement building, this application should also be refused.

RESOLVED that item W11/1104 CA be REFUSED in the absence of a suitable replacement building that will bring about a qualitative improvement to the Conservation Area contrary to Policy DAP9 of the Local Plan.

229. W11/1248 – 57 COMMON LANE, KENILWORTH

The Committee considered an application from Mr Barlow for the demolition of the existing dwelling and erection of 2, two storey detached houses and 1 dormer bungalow.

The application was presented to the Committee because an objection had been received from Kenilworth Town Council who considered the development to be overdevelopment of the site. In addition, they had concerns that the vehicular access was already difficult and this would exacerbate the situation.

The Committee attended a site visit on 28 April 2012 to assist them in making their decision.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
Open Space (Supplementary Planning Document - June 2009)

It was the case officer's opinion that the development would have an acceptable impact on the character and appearance of the area and would not adversely affect the amenity of nearby residents. The proposal would also have an acceptable impact on trees and would be acceptable in terms of highway safety and was therefore considered to comply with the policies listed.

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Councillor Hitchins addressed the Committee on behalf of Kenilworth Town Council who highlighted how traffic already had difficulty manoeuvring near the site, especially when large vehicles tried to negotiate the corner. He stated that there had been suggestions of the dwellings being used for student accommodation and felt that the development was too large for the site.

Mr M Ramus spoke in support of the application and explained that the dwellings had been designed for family use. He reminded members that this was an application for outline permission and would be subject to reserved matters. In addition, he advised that the County Council Highways department were satisfied and felt that if the application met design guidelines, it could not be described as 'gross overdevelopment'. He also stated that the works would help to bring business to local building traders.

The Committee were content with the Highways departments' comments and were mindful that this was an outline application. It was felt that an amendment should be made to condition 5 which would secure the requirement for 10% from renewable energy resources to each dwelling.

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be granted with the agreed amendment to condition 5 to secure 10% renewable energy.

RESOLVED that item W11/1248 be GRANTED subject to the following conditions:

- (1) this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
 - (a) appearance
 - (b) landscaping
 - (c) layout
 - (d) scale

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

- (2) in the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission.

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

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- (3) the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
REASON : To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (4) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) OPP/1a, and specification contained therein, submitted on 6 October 2011, 7 October 2011, 1 February 2012 & 10 April 2012, as amended by any reserved matters approval, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of each dwelling 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. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (6) the dwellings hereby permitted shall not be occupied unless and until:
(a) a scheme and appropriate details have been submitted and approved in writing by the local planning authority to provide for the provision of and / or improvement of and / or maintenance of public open space within the catchment area of the site, in accordance with Policy SC13 of the Warwick District Local Plan

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1996 - 2011; and

(b) the facilities approved under (a) have been implemented in accordance with the approved details, unless otherwise agreed in writing by the District Planning Authority. **REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

- (7) no work of any kind shall be begun on the site until tree protection measures have been implemented in strict accordance with details that shall have been submitted to and approved in writing by the District Planning Authority. In particular, no work shall be begun until protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (8) the development hereby permitted (including demolition) shall not commence until a further bat survey of the site (to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines) has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON:** To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (9) 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 carried out other

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than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

- (10) no demolition or construction works shall commence unless and until an access for vehicles has been provided to the site not less than 5 metres in width for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (11) no demolition or construction works shall commence unless and until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (12) no demolition or construction works shall commence unless and until a turning area has been provided within the site so as to enable the largest vehicle anticipated on site to leave and re-enter the public highway in a forward gear. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (13) no demolition or construction works shall commence unless and until space has been provided within the site for the parking/loading/unloading of vehicles in accordance with details to be approved in writing by the Local Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (14) the access to the site for vehicles shall not be

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used unless a public highway footway/verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (15) gates/doors provided at the entrance to the site shall not be hung so as to open to within 5 metres of the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (16) the vehicular access for the development hereby permitted shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or ditch. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (17) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a suitable bound material for a distance of at least 7.5 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, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and

- (18) all existing trees shown to be retained on approved drawing no. OPP/1a shall be retained in accordance with BS 5837:2005 and shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged or becoming seriously diseased within five years of planting, shall be replaced with trees of such size and species as may be agreed with the District Planning Authority. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

230. W11/1328 LB – 65 WILLES ROAD, ROYAL LEAMINGTON SPA

The Committee considered a retrospective application from Mr Satsavia for the erection of a single storey rear extension and decking; erection of fence on front side boundary; erection of fence to form refuse area to northern boundary; reinstatement of dwarf wall and gate to side boundary; installation of timber gates in rear garden wall; and installation of railings to front boundary.

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council and three neighbouring residents.

The Town Council felt that the proposed extension was of poor design, was not in keeping with the Conservation Area and they felt that the canopy from the front elevation should be restored to its original position.

The Committee attended a site visit on Saturday 28 April 2012 to assist them in making their decision.

The case officer considered the following policies to be relevant:

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

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

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

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

Mr Ashworth addressed the Committee in objection to the application on behalf of the Leamington Society. He advised that none of the appropriate processes had been abided by the applicant and the design was not in keeping with the surrounding area.

Councillor Barrott addressed members in his capacity as Ward Councillor and advised members that he had received extensive contact from residents and societies over the past few years regarding the work that the applicant had carried out. He felt that Mr Satsavia had flouted the relevant permissions and had only received the threat of enforcement. He suggested that if Members were mindful to grant permission, a condition should be added to ensure that enforcement action was activated if works were not resolved in a specific time period.

The Committee were not happy that the applicant had repeatedly failed to apply for the appropriate permissions and were sympathetic to the neighbouring residents' concerns. They felt that the speakers had expressed the issues well and suggested that a letter be sent to the

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applicant reminding him of the seriousness of failing to follow the correct planning procedures.

It was proposed that the item be deferred until further information could be provided regarding the details of the verandah, the return of the railings, the interwoven fence and if the issues raised by members at the site visit could be investigated by officers. This proposal did not find a seconder.

The interim Head of Development Services reminded members that they could move straight to prosecution with regards to works to the listed building. However, she suggested that members may wish to consider covering all their issues in the conditions attached to this permission and include a deadline resulting in enforcement action if the works were not implemented.

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be granted in accordance with the recommendations in the report, with the following amendments to some conditions, plus an additional condition.

It was agreed that conditions 2 & 4 should remove any reference to fence panels and the words 'or equivalent' be added after the colour for the external face.

Condition 6 should be amended to read that 'notwithstanding the details shown on the approved plans, details of the means of enclosure to Innage Close shall be submitted to the local planning authority for approval, and to be implemented within a 3 month period'

Condition 7 should be amended to state that 'notwithstanding the details shown on the approved plans, details of modifications to the dwarf wall to part of the front boundary and side boundary with Innage Close to show a more substantial means of enclosure shall be submitted to the local planning authority for approval, and to be implemented within a 3 month period'.

An additional condition be added to state that 'notwithstanding the details shown on the approved plans, details of the means of enclosure to the southern front side boundary shall be submitted to the local planning authority for approval, and to be implemented within a 3 month period'.

The Committee also authorised appropriate enforcement action be taken in the event that any of the conditions attached to the permission were not complied with within the specified time period.

The Committee also requested an enforcement investigation be undertaken into the removal of the verandah from the front of the property, the rainwater goods on side/rear elevation of the property, the lighting attached to the extension to the property, and the rendering to the side elevation of the property.

RESOLVED that item W11/1328 LB be GRANTED, subject to the following conditions:

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- (1) the development hereby permitted shall only be undertaken in strict accordance with the details indicated within:-
- the application form, site location plan, the front elevation drawing showing the railings and the plan showing the rear gates that were all submitted on 11 January 2012;
 - the front elevation drawing submitted on 18 January 2012; and
 - the plans showing the rear extension, fences and dwarf wall / gate that were all submitted on 10 April 2012;

unless first agreed otherwise in writing by the Local Planning Authority.

REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (2) the decking area hereby permitted to be retained (as shown on the approved drawings submitted on 10 April 2012) shall be colour coated on the external face with Cuprinol Trade "Rustic Walnut", or equivalent (as detailed in the email from the applicant dated 4 April 2012) no later than 2 July 2012 and shall thereafter remain colour coated the same colour unless agreed otherwise in writing by the Local Planning Authority. **REASON :** For the avoidance of doubt, and 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;
- (3) the ballustrade shall be removed from the decking hereby permitted to be retained (as shown on the approved drawings submitted on 10 April 2012) and the decking shall be modified to accord with the amended plans submitted on 10 April 2012 no later than 2 July 2012, unless agreed otherwise in writing by the Local Planning Authority. **REASON :** For the avoidance of doubt, and 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;
- (4) the walls of the extension hereby permitted to be retained (as shown on the approved drawings submitted on 10 April 2012) shall be colour coated on the external face with Dulux Trade Weathershield Masonry Paint "Toasted

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Oak", or equivalent (as detailed in the email from the applicant dated 4 April 2012) no later than 2 July 2012 and shall thereafter remain colour coated the same colour unless agreed otherwise in writing by the Local Planning Authority. **REASON :** For the avoidance of doubt, and 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) the gates fronting Innage Close hereby permitted to be retained (as shown on the approved drawings submitted on 11 January 2012 & 10 April 2012) shall be re-hung to prevent them from opening across Innage Close no later than 2 July 2012 and thereafter shall not be amended or altered in any way without the prior written approval of the local planning authority. **REASON :** To ensure that the gates do not block Innage Close when open, in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (6) the fence hereby permitted to be retained on the boundary with Innage Close (as shown on the approved drawings submitted on 10 April 2012) shall be extended in accordance with the amended plans submitted on 10 April 2012 no later than 2 July 2012, unless agreed otherwise in writing by the Local Planning Authority, notwithstanding the details shown on the approved plans, details of the means of enclosure to Innage Close shall be submitted to the local planning authority for approval, and to be implemented within a 3 month period. **REASON :** For the avoidance of doubt, and 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;
- (7) the dwarf wall around the western and northern boundary (as shown on the approved drawings submitted on 10 April 2012) shall be modified in accordance with the amended drawings submitted on 10 April 2012 no later than 2 July 2012, unless agreed otherwise in writing the Local Planning Authority, notwithstanding the details shown on the approved plans, details of modifications to the dwarf wall to part of the front boundary and side boundary with Innage Close to show a more substantial means of enclosure shall be

PLANNING COMMITTEE MINUTES (Continued)

submitted to the local planning authority for approval, and to be implemented within a 3 month period. **REASON :** For the avoidance of doubt, and 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;

- (8) notwithstanding the details shown on the approved plans, details of the means of enclosure to the southern front side boundary shall be submitted to the local planning authority for approval, and to be implemented within a 3 month period; and
- (9) appropriate enforcement action be taken in the event that any of the conditions attached to the permission are not complied with within the specified time period.

231. W12/0018 – 65 WILLES ROAD, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr Satsavia for the erection of a single storey rear extension and decking; erection of fence on front side boundary; erection of fence to form refuse area to northern boundary; reinstatement of dwarf wall and gate to side boundary; installation of timber gates in rear garden wall; and installation of railings to front boundary

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council and three neighbouring residents.

The Committee attended a site visit on Saturday 28 April 2012 to assist them in making their decision.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
Sustainable Buildings (Supplementary Planning Document - December 2008)

PLANNING COMMITTEE MINUTES (Continued)

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

This item was taken in conjunction with item W11/1328 LB and consequently the speakers only had to address the committee once. The Committee took their comments into consideration when reaching a decision on this item.

The Committee felt that, as per Minute Number 230, this application should be granted with some amendments to the conditions detailed in the report and an additional condition.

RESOLVED that item W12/0018 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall only be undertaken in strict accordance with the details indicated within:-
 - the application form, site location plan, the front elevation drawing showing the railings and the plan showing the rear gates that were all submitted on 11 January 2012;
 - the front elevation drawing submitted on 18 January 2012; and
 - the plans showing the rear extension, fences and dwarf wall / gate that were all submitted on 10 April 2012;

unless first agreed otherwise in writing by the Local Planning Authority.

REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (2) the decking area hereby permitted to be retained (as shown on the approved drawings submitted on 10 April 2012) shall be colour coated on the external face with Cuprinol Trade "Rustic Walnut", or equivalent (as detailed in the email from the applicant dated 4 April 2012) no later than 2 July 2012 and shall thereafter remain colour coated the same colour unless agreed otherwise in writing by the Local Planning Authority. **REASON :** For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of

PLANNING COMMITTEE MINUTES (Continued)

the Warwick District Local Plan 1996-2011;

- (3) the ballustrade shall be removed from the decking hereby permitted to be retained (as shown on the approved drawings submitted on 10 April 2012) and the decking shall be modified to accord with the amended plans submitted on 10 April 2012 no later than 2 July 2012, unless agreed otherwise in writing by the Local Planning Authority. **REASON :** For the avoidance of doubt, and 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;
- (4) the walls of the extension hereby permitted to be retained (as shown on the approved drawings submitted on 10 April 2012) shall be colour coated on the external face with Dulux Trade Weathershield Masonry Paint "Toasted Oak", or equivalent (as detailed in the email from the applicant dated 4 April 2012) no later than 2 July 2012 and shall thereafter remain colour coated the same colour unless agreed otherwise in writing by the Local Planning Authority. **REASON :** For the avoidance of doubt, and 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) the gates fronting Innage Close hereby permitted to be retained (as shown on the approved drawings submitted on 11 January 2012 & 10 April 2012) shall be re-hung to prevent them from opening across Innage Close no later than 2 July 2012 and thereafter shall not be amended or altered in any way without the prior written approval of the local planning authority. **REASON :** To ensure that the gates do not block Innage Close when open, in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (6) the fence hereby permitted to be retained on the boundary with Innage Close (as shown on the approved drawings submitted on 10 April 2012) shall be extended in accordance with the amended plans submitted on 10 April 2012 no later than 2 July 2012, unless agreed otherwise in writing by the Local Planning Authority, notwithstanding the details shown on the approved plans, details of the means of enclosure to Innage Close shall be submitted

PLANNING COMMITTEE MINUTES (Continued)

to the local planning authority for approval, and to be implemented within a 3 month period. **REASON :** For the avoidance of doubt, and 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;

- (7) the dwarf wall around the western and northern boundary (as shown on the approved drawings submitted on 10 April 2012) shall be modified in accordance with the amended drawings submitted on 10 April 2012 no later than 2 July 2012, unless agreed otherwise in writing the Local Planning Authority, notwithstanding the details shown on the approved plans, details of modifications to the dwarf wall to part of the front boundary and side boundary with Innage Close to show a more substantial means of enclosure shall be submitted to the local planning authority for approval, and to be implemented within a 3 month period. **REASON :** For the avoidance of doubt, and 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;
- (8) notwithstanding the details shown on the approved plans, details of the means of enclosure to the southern front side boundary shall be submitted to the local planning authority for approval, and to be implemented within a 3 month period; and
- (9) appropriate enforcement action be taken in the event that any of the conditions attached to the permission are not complied with within the specified time period.

232. W11/1444 – 15 CONVENT CLOSE, KENILWORTH

The Committee considered an application from Mrs H Sibbick for a detached double garage and rendering to garage and whole house and construction of a terrace to the rear of the property.

The application was presented to the Committee because an objection had been received from Kenilworth Town Council. They felt that the amended proposal was a gross intrusion of privacy upon the neighbouring property created by the layout of the proposal and the topography of the site.

The Committee had previously attended a site visit to assist them in making their decision.

PLANNING COMMITTEE MINUTES (Continued)

The case officer considered the following policies to be relevant:

Distance Separation (Supplementary Planning Guidance)
DP1 - Layout and Design (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)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

Councillor Hitchins addressed the Committee on behalf of Kenilworth Town Council and outlined their objections to the application. He stated it was unacceptable that people would be able to see into children's bedrooms from the application site.

Mr G Walker addressed the Committee in objection to the application and stated that there were issues of privacy because the proposal would be doubling the outlook from the existing windows. He felt there was scope to move the garage but the applicant was unwilling to liaise with neighbours.

The Committee highlighted some administrative errors in the report and requested more clarity and detail be included in future.

Councillor Illingworth highlighted that the lay of the land resulted in the decking area becoming a 'viewing area' and provided a platform to the properties below it.

Members felt that the location of the garage was acceptable but the terrace was still considered to cause overlooking of residents below.

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be refused.

RESOLVED that item W11/1444 be REFUSED because it was unneighbourly, it resulted in overlooking and a loss of privacy, and was contrary to Policy DP2 of the Local Plan.

233. W12/0274 – 23 WOODCOTE ROAD, ROYAL LEAMINGTON SPA

This application was withdrawn by the applicant, Mr Luckhurst.

234. ADJOURNMENT OF MEETING

The Chairman adjourned the meeting of Tuesday 1 May 2012 to Wednesday 2 May 2012 at 6.00pm.

PLANNING COMMITTEE MINUTES (Continued)

(The meeting adjourned at 10.25 pm)

RESUMPTION OF THE ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Wednesday the 2 May 2012 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Apologies for absence were received from Councillor Weed.

235. W10/1237 – 51 HILL STREET, WARWICK

The Committee considered an application from Mr J Jackson to extend the time limit on permission W05/1210 for the erection of two storey block of six apartments.

The application was presented to the Committee because of the number of objections received and the need for a legal agreement.

The application was considered by Planning Committee on 8 December 2010 and planning permission was granted, subject to the completion of a Section 106 agreement to secure a contribution towards off site open space provision. The Section 106 agreement had not been completed by the applicant, within a reasonable time scale, despite officers frequently progress chasing. Therefore the application was reported back to Committee to recommend refusal.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)

It was the case officer's opinion that in the absence of a Section 106 Agreement to secure the contribution, the proposals were considered to be contrary to the policies and guidance detailed in the report. He felt that the additional 9 residents (6x1.5 persons) would put additional pressure on existing open space which would require enhancements in the locality of the development, requiring a contribution to mitigate the impact of this additional use.

Mr P Goodwin addressed the Committee in support of the application and apologised for the delay in completing the work and stated that they were now making good progress on the matter. He felt that the matter should be completed in a week and correspondence was now well underway.

Councillor Cross addressed the Committee in his capacity as Ward Councillor and it was unacceptable that the agreement had taken far too long and should have been completed sooner.

PLANNING COMMITTEE MINUTES (Continued)

Members were disappointed that a threat of refusal had to be used in order for the applicant to resolve this issue and were unhappy with the length of time it had taken.

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be deferred to enable the Section 106 Agreement to be completed.

RESOLVED that item W10/1237 be DEFERRED to allow the Section 106 Agreement to be completed.

236. W11/1468 - LAND ADJACENT TO WOODLOES TAVERN, WOODLOES AVENUE SOUTH, WOODLOES PARK, WARWICK

The Committee considered an application from Punch Partnerships (PTL) Ltd and Midlands Assured for the construction of a new convenience store (A1 retail use) to include an ATM on land adjacent to Woodloes Tavern and for alterations to existing car parking provision.

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

The case officer considered the following policies to be relevant:

UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)

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

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

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

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

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

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

DP9 - Pollution Control (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)

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

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

Vehicle Parking Standards (Supplementary Planning Document)

Sustainable Buildings (Supplementary Planning Document - December 2008)

National Planning Policy Framework

Increased Security for Retail Premises (Supplementary Planning Guidance)

PPS4 - Planning for Town Centres. Practice guidance on need, impact and the sequential approach.

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects

PLANNING COMMITTEE MINUTES (Continued)

in terms of highway safety, the impact on the living conditions of nearby dwellings or the ecological impact of the proposals which would justify a refusal of permission. Furthermore, the applicant had demonstrated that there were no sequentially preferable sites available and that it would not lead to significant adverse impacts on the local centre. The proposal was therefore considered to comply with the policies listed.

Mr B Love addressed the Committee in objection to the application and highlighted the expansion of the education facilities in the area had increased traffic levels significantly. He stated that with the inclusion of Ridgeway, this resulted in a greater catchment area and the teacher to pupil ratio was higher. He felt that residents shopping needs were well covered and the introduction of the Co-op would impact on the local shops.

Mr Dunnett addressed the Committee in support of the application and advised that extensive consultation had been carried out with 85% of locals choosing to shop outside the estate due to the lack of shops available on site. The applicant had considered changing the use of the pub but felt that a new build would be more appropriate along with retention of the existing pub. He also stated that a covenant would be added to the lease to protect against future change of use and 1% of the Co-operative's profits would come back to the local community in dividends.

Councillor Cross addressed the Committee in his capacity as Ward Councillor and represented the views of local residents, 620 of whom had signed a petition against the application for a new store.

He stated that the new development would impact on the sustainability of other stores and praised the good transport links to the area which ensured that shoppers could use other facilities. He highlighted that this 1970's estate had a high population of older residents and pupils and families attending the local school. All of whom supported the existing local stores. He felt that a new convenience store would have a significant detrimental impact on the off licence and current convenience stores level of business.

Councillor Williams supported Councillor Cross' comments and spoke not only as a Ward Councillor but as a resident of the Woodloes estate. He advised members that a lot of work had gone into ensuring anti-social behaviour issues were resolved in the area and felt that the introduction of a further off licence would cause concern. He felt strongly that the shopkeepers who had worked there for over 30 years should be supported and was worried that the closure of these units would lead to boarded up shops.

There was strong feeling amongst members of the Committee that this type of development could have a negative effect on the local businesses already trading from this location.

It was proposed, and duly seconded, that the proposal be refused on the grounds of competition, unsustainable development and that the store should be standing on its own two feet as highlighted in Dr Norris' evidence. A vote was taken and lost 3 votes to 5, with one abstention.

It was therefore proposed and duly seconded that the application be granted subject to additional conditions restricting the mezzanine floor, the

PLANNING COMMITTEE MINUTES (Continued)

creation of a local employment scheme and a preferred routing scheme for delivery traffic.

A vote was taken and won 5 votes to 3 with one abstention and the application granted subject to conditions.

RESOLVED that item W11/1468 be GRANTED subject to additional conditions for the restriction of the installation of a mezzanine floor, a local employment scheme and a preferred route for delivery vehicles.

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.

REASON : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) (2690-104E and 2690-105A submitted on 16 December 2011. 2690-102G and 2690-103G submitted on 18 April 2012), 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 construction 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) prior to any work commencing on site, full details of measures to be taken to protect retained trees on site during development must be submitted to and approved in writing by the District Planning Authority. All development shall be in accordance with these approved details. The details must include, but not be limited to, the type and position of

PLANNING COMMITTEE MINUTES (Continued)

fencing, timing of operations including erection and removal of fencing, location of site compounds, access routes for construction traffic, arrangements for briefing contractors on tree protection, location of all underground service runs, details of arboricultural supervision during development, details of the design and method of construction of all hard surfaces within the identified root protection areas of retained trees and details of the means of construction of the cut into the bank and how excavation or levels changes within the root protection area of retained trees will be avoided. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (5) a landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (6) details of the means of disposal of storm water 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 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 to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;
- (7) the development shall not be commenced until space has been provided within the site for the parking/ loading/unloading of vehicles in accordance with details to be approved in writing by the Local Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

REASON : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (8) the Applicant/Developer shall install suitable measures to ensure that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Prior to the commencement of the development, the details of these measures (including type, method of operation and control of use) shall be submitted in writing to the Local Planning Authority for their approval in consultation with the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (9) no part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nest boxes for house sparrow and starling, to be erected on trees/buildings within the site, has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type and location. Thereafter, the nest boxes shall be installed and maintained in perpetuity. **REASON**: To ensure the protection of birds and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (10) the development shall not be commenced until the existing vehicular access to the site has been widened so as to provide an access of not less than 5 metres in width for a distance of 10 metres, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (11) the gradient of the access for vehicles to the site shall not be steeper than 1 in 12 for a distance of at least 10 metres, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (12) the development shall not be commenced until a turning area has been provided within the

PLANNING COMMITTEE MINUTES (Continued)

site so as to enable the largest vehicle anticipated on site to leave and re enter the public highway in a forward gear with a parking management plan maintained on occupation to ensure turning area is available for delivery vehicles on site when necessary.

REASON : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

- (13) the development shall not be commenced until visibility splays have been provided to the access to the site with an 'x' distance of 2.4 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (14) no lighting shall be fixed to the external walls or roof(s) of the building(s) hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (15) noise arising from any plant or equipment at these premises), when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A) measured as LAeq(5 minutes) if the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;
- (16) store opening hours shall be limited to 8am to 10pm Monday to Saturday and 10 am to 6pm

PLANNING COMMITTEE MINUTES (Continued)

on Sunday. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;

- (17) no deliveries or noisy external activities likely to cause nuisance to nearby residences, shall occur between 6pm and 7.00am Monday to Saturday, before 9am on Sunday or after 6pm on Sunday. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;

- (18) hours of illumination inside the store will be limited to 06.30am to 10.30pm Monday to Saturday and 08.30am to 6.30pm on Sunday. **REASON:** To prevent light pollution, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (19) notwithstanding the details included in the application or on the plans hereby approved no security shutters or grilles of any kind shall be installed on the building without the prior permission of the District Planning Authority. **REASON:** To protect the amenity of the surrounding area, in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011; and

- 20 The foodstore hereby permitted shall be used as a foodstore and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The net retail sales area of the foodstore shall not exceed 280 sq.m. No more than 250 sq.m of this net retail sales area shall be used for the display and sale of food and convenience goods. **REASON :** To satisfy the requirements of Policy UAP3 in the Warwick District Local Plan 1996-2011.

237. W12/0068 – REAR OF 52 &54 LEAM TERRACE, ROYAL LEAMINGTON SPA

The Committee considered a retrospective application from Mr G Saunders for the retention of alterations to the boundary wall between the rear of 52 and 54 Leam Terrace.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to the Committee because it was recommended for refusal and a number of supporting comments had been received. The report also requested that enforcement action be authorised.

This item was taken in conjunction with W12/0069 LB which dealt with the Listed Building aspects of the application.

The case officer considered the following policies to be relevant:

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

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

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the case officer's opinion that the retention of the wall would result in the loss of the swept top feature to the wall which was a special architectural design feature of no. 54 Leam Terrace as it featured on the balcony of the property, and its loss would adversely affect the special architectural interest of the listed building. The development was thereby considered to be contrary to the aforementioned policy.

Mrs Hoddinot, resident of the ground floor flat, addressed the Committee in support of the application and highlighted that she encountered a loss of light in her flat especially in early winter. She explained that the wall had been in a poor state of repair and the designs of the walls were historically different from one another because they had been repaired and rebuilt at different times.

Mr P Frampton spoke and explained that there had been a misunderstanding regarding the Conservation Architects Comments' who had stated that the wall was 1950's, had no special architectural merit and would have no impact.

The Committee felt that it was unfortunate that this situation had evolved when dialogue could have resolved it.

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be refused.

However, members felt that enforcement action should not be authorised because it would be more beneficial for all parties to work together to resolve this issue. It was agreed that a meeting should take place with all relevant parties to agree a suitable design for the wall and for this to be reported back to Committee in two months.

RESOLVED that

- (1) item W12/0068 be REFUSED because Policy DAP4 of the Warwick District Local Plan 1996-2011 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting.

In the opinion of the District Planning Authority, it is considered that the retention of the wall would result in the loss of the swept top feature to the wall which is a special architectural design feature of no. 54 Leam Terrace as it features on the balcony of the property, and its loss would adversely affect the special architectural interest of the listed building.

The development is thereby considered to be contrary to the aforementioned policy; and

- (2) enforcement action was NOT AUTHORISED to enable a meeting to take place between all relevant parties to agree a suitable design for the wall and for this matter to be reported back to Committee after two months.

238. **W12/0069 LB – REAR OF 52 & 54 LEAM TERRACE, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr G Saunders for the retention of alterations to the boundary wall between the rear of 52 and 54 Leam Terrace.

The application was presented to the Committee because it was recommended for refusal and a number of supporting comments had been received.

This item was taken in conjunction with W12/0068 which dealt with the permissions aspect of the application.

The case officer considered the following policies to be relevant:

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

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

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

It was the case officer's opinion that the retention of the wall would result in the loss of the swept top feature to the wall which was a special architectural design feature of no. 54 Leam Terrace as it featured on the

PLANNING COMMITTEE MINUTES (Continued)

balcony of the property, and its loss would adversely affect the special architectural interest of the listed building.

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be refused in line with the decision on application W12/0068.

RESOLVED that item W12/0069 LB be REFUSED because Policy DAP4 of the Warwick District Local Plan 1996-2011 states that consent will not be granted to alter or extend a listed building where those works will adversely affect its special character or historic interest, integrity or setting.

In the opinion of the District Planning Authority, it is considered that the retention of the wall would result in the loss of the swept top feature to the wall which is a special architectural design feature of no. 54 Leam Terrace as it features on the balcony of the property, and its loss would adversely affect the special architectural interest of the listed building.

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

239. W11/1049 – PACKWOOD HOUSE, PACKWOOD LANE, LAPWORTH, SOLIHULL

The Committee considered an application from the National Trust for improvements to the visitor facilities and related development, comprising a new visitor reception building, alterations to the visitor route including alterations to listed buildings, car park improvements and alterations to the access including the creation of new road accesses.

The application was presented to the Committee because it was a departure from the Development Plan.

The case officer considered the following policies to be relevant:

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
RAP11 - Rural Shops and Services (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

Sustainable Buildings (Supplementary Planning Document - December 2008)

National Planning Policy Framework

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

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

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

It was the case officer's opinion that the site was situated within the Green Belt and the NPPF 2012 sought to retain and protect the openness and permanence of the Green Belt. It also contained a general presumption against "inappropriate" development in Green Belt areas and listed specific forms of development which could be permitted in appropriate circumstances. The proposed development did not fall within any of the categories listed in the Guidance, however in the Planning Authority's view, very special circumstances had been demonstrated, sufficient to justify departing from this Guidance.

The Committee felt that very special circumstances had been met and welcomed the sensitively designed building. In addition, they felt that the proposals would positively enhance the Green Belt through recreation.

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be granted in line with the officers recommendations.

RESOLVED that item W11/1049 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) samples of all external facing materials to be used for the construction of the visitor centre building hereby permitted, shall be submitted to and approved by the District Planning Authority before any construction 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 DAP4 of the Warwick District Local Plan 1996-2011;
- (3) the low level lighting bollards identified on Drg No.516-01-01 Rev K shall not be erected unless and until detailed design plans have been submitted to and approved in writing by

PLANNING COMMITTEE MINUTES (Continued)

the District Planning Authority. Thereafter the approved lighting shall only operate during those hours where the site is open to members of the visiting public. **REASON** : In the interests of minimising the effect of the lights and to ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DAP4 of the Warwick District Local Plan 1996-2011;

- (4) the car park hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996 – 2011;
- (5) no part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the District Planning Authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, Trees in Relation to Construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the District Planning Authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (6) no development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. **REASON:** To ensure adequate opportunity for site research and

PLANNING COMMITTEE MINUTES (Continued)

recording in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;

- (7) the development hereby permitted shall be carried out strictly in accordance with the details shown within the approved drawings, documentation and specifications 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 DAP4, DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (8) the landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (9) the vehicle accesses should be located in accordance with the approved drawing number 516-01-01 Rev K. **Reason:** To ensure a satisfactory access in the interests of road safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (10) the accesses to the site for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority, with the access being provided being not less than 3 metres in width. **Reason:** In the interests of road safety and to accord with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (11) the access shall not be used until visibility splays have been provided to the vehicular accesses to the site [passing through the limits of the site fronting the public highway] with an 'x' distance of 2.4 metres and 'y' distances of 215 metres to the near edge of the public highway carriageway. No structure, tree or

PLANNING COMMITTEE MINUTES (Continued)

shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

Reason: In the interests of road safety to accord with Policy DP6 of the Warwick District Local Plan 1996-2011;

- (12) the existing and proposed accesses to the site for vehicles shall not be used in connection with the development [hereby permitted] until they have been surfaced with a bound material for a distance of 5 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 in accordance with DP6 of the Warwick District Local Plan 1996-2011; and

- (13) gates erected at the entrances to the site for vehicles shall not be hung so as to open to within 5 metres of the near edge of the public highway carriageway.

Reason: In the interests of road safety and to accord with Policy DP6 of the Warwick District Local Plan 1996-2011.

240. W11/1050 LB – PACKWOOD HOUSE, PACKWOOD LANE, LAPWORTH SOLIHULL

The Committee considered an application from the National Trust for improvements to visitor facilities and related development, comprising a new visitor reception building; alterations to the visitor route, including alterations to listed buildings; car park improvements; and alterations to access including creation of new road accesses.

The listed building consent was presented to the Committee for completeness to accompany the concurrent application W11/1049.

The case officer considered the following policies to be relevant:

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

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

National Planning Policy Framework

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

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

It was the case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed

PLANNING COMMITTEE MINUTES (Continued)

structure and was of an acceptable standard of design and detailing. The proposal was therefore considered to comply with the policies listed.

The Committee felt that very special circumstances had been met and welcomed the sensitively designed building. In addition, they felt that the proposals would positively enhance the Green Belt through recreation.

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be granted in accordance with the officers recommendation.

RESOLVED that item W11/1050 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; and
- (2) before development hereby approved commences details must be submitted to and approved in writing by the District Planning Authority showing: (a) samples of facing brickwork materials; (b) details of the metal fence design and associated ironmongery, including decorative finishes and colours to be used. All details shall be carried out as approved. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DAP4 of the Warwick District Local Plan 1996-2011.

241. W11/1249 – FLAT 1, 61 CLARENDON STREET, ROYAL LEAMINGTON SPA

The Committee considered an application from Joe Richards Property Ltd for the removal of Condition 3 (requirement for on-site renewable energy production) from planning permission W11/0192.

This permission was for the conversion of basement, ground and first floor offices into 3 no. self-contained apartments (in addition to existing 3 no. self-contained apartments on first, second and third floors); demolition of rear conservatory and construction of rear lightwell; installation of new windows and doors in rear elevation; and installation of new entrance door to basement via light well.

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council. They felt that

PLANNING COMMITTEE MINUTES (Continued)

insufficient reasons had been given by the applicant to justify the removal of the condition.

The case officer considered the following policies to be relevant:

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the case officer's opinion that, having received a report from the applicant which examined all of the options for on-site renewable energy production, it would not be practical to achieve a 10% on-site renewable production in this case.

The Development Manager assured members that all options had been considered and explained the concerns raised by installing an air source heat pipe or an outside remit boiler.

Members noted that the relaxing the rules on this occasion was acceptable and welcomed the applicants' approach in asking the Council for assistance.

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be granted in accordance with the officers' recommendation.

RESOLVED that item W11/1249 be GRANTED subject to the permission hereby granted shall relate strictly to the details shown on the approved drawing(s) 204-101A, 204-102A & 204-103A, and specification contained therein, submitted on 11 February 2011 under planning application no. W11/0192, 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.

242. W11/1394 – FORMER MULTILINES, THE TRADING ESTATE, COMMON LANE, KENILWORTH

The Committee considered an outline application from English Care Villages for a 72 bed care home with specialist dementia care facilities, with the rooms divided into six groups of 12 rooms, over 3 floors, with all matters reserved.

The application was presented to the Committee because the recommendation was to grant permission subject to a Section 106 agreement.

The case officer considered the following policies to be relevant:

Vehicle Parking Standards (Supplementary Planning Document)
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

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)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Distance Separation (Supplementary Planning Guidance)
National Planning Policy Framework
SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that although the proposal was contrary to policy SC2 of the Local Plan, the material considerations taken together in this particular case were significant. These were namely the limited harm caused to employment land supply through the loss of this particular site given its size; the contribution the proposal would make to meeting the need for specialist care for dementia patients in a sustainable location within the urban area; and the Government's statement in supporting economic growth. In total, these material considerations were considered sufficient to outweigh the conflict with policy and the harm caused through the loss of 0.64ha of employment land.

The Committee were content to approve the application but were mindful that employment land was included not just residential.

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be granted in line with the recommendation in the report subject to an amendment to conditions 9 and 10 as requested by the Environment Agency, as set out in the addendum and, if appropriate, a suitable condition be applied to the application in place of a need for a Section 106 agreement, for securing heath provision.

RESOLVED that item W11/1394 be GRANTED subject to the following conditions:

- (1) the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON : To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

- (2) the development hereby permitted shall be

PLANNING COMMITTEE MINUTES (Continued)

carried out in accordance with the details shown on the application form, site location plan and approved drawing(s) 11/13/102(A), 11/13/103(A), 11/13/104(A) and 11/13/105 and specification contained therein, submitted on 18th January 2012, except as required by condition 3, 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) notwithstanding the approved plans in condition 2, this permission is granted under the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-

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

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

- (4) in the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission.

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

- (5) 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 carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (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 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. **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;
- (7) 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;
- (8) work which is likely to give rise to noise off site should be restrict to the following hours:- Monday to Friday 7.30am to 5pm, Saturday 7.30am to 1.00pm with no working on Sundays and bank holidays. Best practical means shall be employed at all times to control noise and dust from the site;
- (9) there must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 5 metres of the top of the bank of the Finham Brook, unless agreed otherwise in writing by the Local Planning Authority. **Reason:** To maintain access to the watercourse for maintenance or improvements;
- (10) prior to the submission of reserved matters, details shall be submitted to demonstrate that an access ramp to the Finham Brook will be provided as part of the final detailed design. The ramp shall be constructed in line with the details approved. **Reason:** To facilitate

PLANNING COMMITTEE MINUTES (Continued)

access to the Finham Brook for maintenance and improvement; and

- (11) the premises shall be used as a care home with specialist dementia care facilities, with the rooms divided into six groups of 12 rooms over three floors, and for no other purposes (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). **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.

243. W11/1666 – 41 HEATHCOTE ROAD, WHITNASH

The Committee considered an application from Mr Nijjar to raise the existing roof height to create the first floor, the erection of a two storey rear extension and single storey rear extension and installation of two front dormer windows.

The application was presented to the Committee because an objection had been received from Whitnash Town Council who felt that it was over development of the site, was unneighbourly, out of character with the area and detrimental to the street scene.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Distance Separation (Supplementary Planning Guidance)
The 45 Degree Guideline (Supplementary Planning Guidance)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the case officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be granted in accordance with the officers recommendation.

RESOLVED that item W11/1666 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved amended drawing 02C, and specification contained therein, submitted on 20th March, 2011 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) prior to the occupation of the development hereby permitted, the first floor side facing window in the West elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in

PLANNING COMMITTEE MINUTES (Continued)

that condition at all times. **REASON** : To protect the privacy of users and occupiers of nearby properties and or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

244. W12/0166 - STAR AND GARTER, 4-6 WARWICK STREET, ROYAL LEAMINGTON SPA

The Committee considered an application from Peach Pubs for the erection of a two storey rear extension, ballustrading to the front elevation at first floor level, together with alterations to the windows at the front.

The application was presented to the Committee because of the number of objections received including ones from CAAF and eight letters of objection from the public. The Conservation Officers had also highlighted a number of issues and proposed some measures which could help to mitigate the impact of the development.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)

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

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the case officer had covered all the issues raised within the suggested conditions. They therefore resolved that the application be granted.

RESOLVED that item W12/0166 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

PLANNING COMMITTEE MINUTES (Continued)

Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing numbers 02 Rev C and 29 Rev C, and specification contained therein submitted on 18 April 2012, 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 doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, balustrade and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and 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;
- (4) 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. **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;
- (5) no development shall be carried out on the site

PLANNING COMMITTEE MINUTES (Continued)

which is the subject of this permission, until details of a fume extraction system 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 surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (6) all balustrade for the development hereby permitted shall be metal and painted black.

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;

- (7) the rating level of the noise emitted from activities on the premises shall not exceed the existing background noise level at any time, when measured one metre from the facade, by more than 3dB(A) (measured as LAeq (5 minutes)) at any noise sensitive residential property when measured and corrected in accordance with BS 4142: 1997. If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (8) all new window and door frames 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

- (9) notwithstanding the details in respect of the balcony as shown on drawing number 02 Rev C no tables, chairs, umbrellas or other paraphernalia shall be placed on the balcony at first floor level on the frontage of the Public House and shall remain clear at all times thereafter. **REASON** : To ensure an appropriate standard of appearance and

PLANNING COMMITTEE MINUTES (Continued)

reduce clutter within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

245. W12/0241 – 131-137 REGENT STREET, ROYAL LEAMINGTON SPA

The Committee considered an application from Midland Assured Ltd for the demolition of the rear portion of an existing retail unit; division of the existing retail unit into 4 no. retail units and change of use of Unit 2 to a restaurant / cafe (Use Class A3). In addition, the change of use of Unit 3 to a hot food takeaway (Use Class A5); the erection of a single storey rear extension; installation of new shopfronts; and installation of extraction flue encased in brickwork to rear

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council and officer's were recommending grant subject to the completion of a legal agreement.

The case officer considered the following policies to be relevant:

Sustainable Buildings (Supplementary Planning Document - December 2008)

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)

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

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

TCP5 - Secondary Retail Areas (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)

TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. Furthermore, the proposal would not adversely affect the amenity of nearby residents and would preserve the vitality and retail viability of this part of the town centre. The proposal was therefore considered to comply with the policies listed.

The Committee raised a number of queries regarding the finish of the chimney and brickwork which the planning officer's clarified.

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be granted as per the officer's recommendation.

RESOLVED that item W12/0241 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be

PLANNING COMMITTEE MINUTES (Continued)

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) 2661-226C, 2661-227B, 2661-500, 2661-501, 2661-502, 2661-503, 2661-504 & 2661-505, and specification contained therein, submitted on 8 March 2012, unless first agreed otherwise in writing by the District Planning Authority.

REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) the restaurant/cafe and hot food takeaway hereby permitted shall not be first occupied 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. **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;

- (4) the restaurant/cafe and hot food takeaway hereby permitted shall not be first occupied unless and until:
- (a) satisfactory details of a noise insulation scheme to minimise transmission of noise and vibrations from the extraction equipment / flue and between the ground floor restaurant/cafe and hot food takeaway unit and the upper floor residential accommodation have been submitted to and approved by the District Planning Authority; and
 - (b) the approved noise insulation scheme has been implemented in strict accordance with the approved details. **REASON** : In the interests of the amenities of nearby residents, in

PLANNING COMMITTEE MINUTES (Continued)

accordance with the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011;

- (5) the rating level of the noise emitted from activities or equipment on the premises shall not exceed the existing background noise level at any time, when measured one metre from the facade of any noise sensitive property, by more than 3dB(A) (measured as LAeq (5 minutes)), when measured and corrected in accordance with BS 4142: 1997. If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;
- (6) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (7) all window and door frames and the new shopfronts 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;
- (8) 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; and
- (9) the restaurant/cafe, hot food takeaway and the extensions hereby permitted shall not be first occupied unless and until the bin storage area has been provided in full accordance with the approved plans. The bin storage area shall be retained and kept available for the storage of refuse for the retail units at Nos. 131-137 Regent Street at all times thereafter, unless agreed otherwise in writing by the District

PLANNING COMMITTEE MINUTES (Continued)

Planning Authority. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

246. ENF 102/12/12 – LEYCESTER COTTAGE, LEYCESTER PLACE, WARWICK

The Committee considered a report from officers following the unauthorised installation of solar panels on a listed building by Mr and Mrs Cload.

The application was presented to the Committee to request that enforcement action be authorised.

In February 2012 it was brought to the attention of the Enforcement Section that solar panels had been installed on the front facing roof slope of the cottage in Leicester Place, Warwick, without prior consent. The property was a Grade II Listed Building and was prominently located within the Warwick Conservation Area.

The owner of the property had been contacted, by letter to advise them that the installation was unauthorised and constituted a breach of planning control. They were further advised that given the impact of the panels on the appearance and historic integrity of the Listed Building the submission of a retrospective application to retain the unauthorised panels would not be appropriate as it would not be supported.

A period of two weeks was allowed for the submission of a timescale for removal of the panels which had not been received, and in the absence of any communication from the owner of the property formal enforcement action was considered appropriate.

The case officer considered the following policies to be relevant:

DP13 - Renewable Energy Developments (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)

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

It was the case officer's opinion that the installation of the eight solar panels on the visually prominent front elevation of this important historic building was considered inappropriate, did not respect the character or the integrity of the Listed Building or its setting, and detracted considerably from its appearance. The visual contrast between the panels and the traditional rosemary tile roof was considered particularly harmful.

The Committee were mindful that similar applications had previously been approved but were not content with the lack of communication from the applicant.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the recommendation be approved as per the officers' report, with a compliance period of two months.

RESOLVED that enforcement action ENF 102/12/12 be AUTHORISED to ensure the removal of the solar panels and the restoration of the roof to its previous condition, with a compliance period of two months.

(The meeting ended at 9.52)