

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 22 May 2012 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillors Mrs Blacklock, Brookes, Cross, Ms De-Lara-Bond, Illingworth, MacKay, Mobbs, Rhead, Weed and Wilkinson.

Councillor Mobbs substituted for Councillor Mrs Bunker.

1. **APPOINTMENT OF CHAIRMAN**

It was moved by Councillor Rhead, seconded by Councillor Mrs Blacklock and

RESOLVED that Councillor Illingworth be elected Chairman of Planning Committee for the municipal year 2012/13.

2. **APPOINTMENT OF VICE-CHAIRMAN**

It was moved by Councillor Illingworth, seconded by Councillor Rhead and

RESOLVED that Councillor MacKay be elected Vice-Chairman of Planning Committee for the municipal year 2012/13.

3. **DECLARATIONS OF INTEREST**

Minute Number 8 – W11/1536 – 1 New Street, Royal Leamington Spa

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

Councillor Wilkinson declared a personal interest because he lived in the Ward.

Minute Number 16 – W12/0374 – 71A Lillington Road, Royal Leamington Spa

Councillor Ms De-Lara-Bond declared a personal interest because the application site was in her Ward.

Minute Number 11 – W11/0386 – Sherbourne Fruit Farm, Stratford Road, Warwick

Councillor Rhead declared a personal interest because the application site was in his Ward.

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Minute Number 20 – W12/0234 – 3 Trentham Gardens, Kenilworth

Councillor Mobbs informed the Committee that he had not attended the Kenilworth Town Council Planning Committee meeting which had discussed this application.

Minute Number 21 – W12/0272 – 3 Asplen Court, Kenilworth

Councillor Mobbs informed the Committee that he had not sat on the Kenilworth Town Council Planning Committee when this application was discussed.

Minute Number 22 – ENF 175/18/12 – 7 Mill Lane, Barford, Warwick

Councillor Rhead declared a personal interest because the application site was in his Ward. He also sought legal opinion from the Council's solicitor, Max Howarth, on whether he had to declare a prejudicial interest in respect of the Enforcement Order as he had received irate telephone calls in respect of the application. He was advised that there was no need to declare a prejudicial interest.

4. SITE VISITS

To assist with decision making, Councillors Mrs Blacklock, Brookes, Cross, Ms De-Lara-Bond, MacKay, Rhead, Weed, and Wilkinson visited the following application sites on Saturday 19 May 2012:

W11/0974 – Cambridge House, 3 Newbold Street, Royal Leamington Spa
W11/0975 LB – Cambridge House, 3 Newbold Street, Royal Leamington Spa
W11/1536 – 1 New Street, Royal Leamington Spa
W12/0417 – 16 Beauchamp Avenue, Royal Leamington Spa

Councillor Illingworth visited all of the sites independently on a different day.

5. W10/0160 – CAPE ROAD, LOWER CAPE, WARWICK

The Committee considered an application from Mayfair Properties Midlands Ltd for the proposed mixed use development of 16 residential properties and six employment type units with associated access and parking.

On 8 December 2010, Planning Committee resolved to grant planning permission for this application subject to a Section 106 Agreement. That agreement had subsequently not been signed by the Applicant. Consequently the application was reported back to the Committee as there had been material change in circumstances since the 2010 resolution which it was considered justified the change in the recommendation to one of 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)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

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UAP2 - Directing New Employment Development (Warwick District Local Plan 1996 - 2011)

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

SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

National Planning Policy Framework

Open Space (Supplementary Planning Document - June 2009)

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

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

SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

An addendum was circulated at the meeting which included comments from the agent for the applicant, and from the applicant. These comments stated concerns and there was a suggestion that it would be inappropriate for the planning application to be determined.

Mr Andrew Pass addressed the Committee on behalf of the Applicant. He said that a large national house builder had purchased the site and it had lain fallow for six years. He stated that it was the national house builder's responsibility to install satisfactory storm water outfall from the site, but the builder was not keen to do this due to costs. The Environment Agency had insisted on flood mitigation due to heavy flooding in the local area. Mr Pass informed the Committee that the national house builder had encouraged Warwick District Council to enter into a legally binding agreement on a statement of common ground relating to flooding issues in February 2006 to permit the development of most of the site without installing the necessary storm and water mitigation measures. The existence of this document was not in the report to the Committee and it was Mr Pass's contention that it was extremely relevant. According to Mr Pass, the national house builder refused to install the flood mitigation measures and it would have cost the Applicant £100,000 and have taken at least five years to try to force the matter in law. According to Mr Pass, due to the legally binding agreement, Warwick District Council's Planning Department refused to take action on the matter.

Mr Pass then went through three main reasons for refusal in the case officer's report. In respect of the site's lack of information on flood mitigation, Mr Pass said that before the planning application was submitted, specialists in main drainage analysis had been engaged to produce a scheme in compliance with the standards set down by the Environment Agency. The flood mitigation by storage tank scheme proposed for an adjacent site was accepted by the Environment Agency before the Planning Department's support for the original application. On the original application there was also a condition set covering flood mitigation.

In respect of land contamination, Mr Pass said that this had been covered extensively with Warwick District Council's Planning Department before the submission of the original application, and a pre-commencement condition had been written into the original document.

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Mr Pass informed the Committee that nuisance to local residents would be low level from the small businesses operating from the site. Mr Pass said that the area would eventually flood unless flood mitigation measures were installed.

In respect of financial issues, Mr Pass said that reports had shown that B1 and B2 development were not financially viable. Agreed costs for flood mitigation were in excess of £0.5 million and the level of civil engineering works required could only be supported in association with housing schemes. The case officer's report referred to enforcement action to secure the flood mitigation works but did not mention the existence of the legal agreement which tied Warwick District Council to the present situation. It was Mr Pass's contention that if enforcement action were successful, the net result would be the liquidation of the holding company as the margin on B1 and B2 development would be far exceeded by the costs of flood mitigation works and therefore the scheme would not be financially viable.

In summation, Mr Pass said that the only difference that had arisen since those considered in 2010 was the noise nuisance from the businesses in Lock Lane. Mr Pass was of the opinion that the flood issue was far more important. Mr Pass felt that a large house builder had left the Applicant, the Environment Agency and Warwick District Council with a significant problem. He felt that the application being discussed was a solution to the problem. He asked for the Committee to approve the application and said that the Section 106 Agreement had been signed. He finished by saying that to do otherwise would leave local residents with a large "eye sore" and without the benefit of flood protection when there is a need for affordable housing that the site would provide.

The Council's solicitor, Max Howarth, informed members that investigations were on-going in respect of enforcement at the site in relation to the previous planning permission and a possible breach of a planning condition, but he advised Members that this was not something that should be taken into account with the application currently under review. Mr Gary Stephens, the Development Manager, informed Members that the harm to the local residents' amenity far outweighed any good done by a flood mitigation scheme, but the flood mitigation might be delivered anyway through enforcement action.

Members were mindful that the Environmental Health Department had recommended that the application should be refused as it would lead to residential development which would lead to amenity issues due to noise and other factors. The Head of Development Services, Tracy Darke, advised Members that even though Environmental Health Department had not identified noise and smell issues previously, as a statutory consultee, it had now identified these issues and this was therefore a change in material circumstances to which Members must give due regard. Residents living in the houses that had originally been developed had made complaints to Environmental Health Department and now there was an application to develop further housing where originally industrial units were to be developed. Members felt that they should not disagree with the recommendation made by the Council's Environmental Health Department, which stated that further residential development was unsuitable with such amenity issues.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the report, presentation and addendum, along with the representation made at the meeting, the Committee was of the opinion that the application should be refused in accordance with the case officer's recommendation.

RESOLVED that item W10/0160 be REFUSED for the following reasons:

- (1) the Warwick District Local Plan (WDLP) Policy SC2 seeks to protect existing and committed employment land and buildings.
In the opinion of the Local Planning Authority, it is considered that there would be the potential loss of existing employment uses as a result of having substantially more noise and odour sensitive residential properties in close proximity of existing employment uses.
Therefore the proposed development would be contrary to the aforementioned policy;
- (2) the Warwick District Local Plan (WDLP), policy DP2, states that development will not be permitted which does not provide acceptable standards of amenity for future users/occupants.
It is considered that the site is not suitable for residential uses which are inherently noise and odour sensitive in close proximity to an existing noisy and potentially odorous employment site. It is considered that these problems cannot be adequately mitigated by planning conditions requiring noise insulation and enhanced glazing because the need to open windows and use gardens is integral to the living conditions of the future the occupants of dwellings. It would thereby conflict with the aforementioned policy;
- (3) it is considered that the lack of information on flood risk mitigation conflicts with national guidance set out in the National Planning Policy Framework. It is considered that a mixed use, with a large residential component, is an inappropriate development in terms of the sequential test set out in paragraph 100. As such, the development of it needs to be informed by a site specific flood risk assessment in accordance with paragraph 103. It is considered that inherent to being 'informed' is the need for detailed information of flood risk mitigation to judge whether the flood risks can be made acceptable. In this context it is considered that it is likely that there is insufficient space for the proposed residential and employment development together with a flood risk mitigation scheme on the site. Therefore, it is not considered that the

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- precise form of development can be the subject of suitable worded condition; and
- (4) Warwick District Local Plan Policy DP9 requires that where there is evidence of existing land contamination it will be necessary to ensure that it is made fit for the intended purpose. It is considered that there is insufficient evidence to demonstrate that the land is or is reasonably capable of being made fit for the intended purposes which includes a large component of residential use.

6. W11/1465 – LAZY COW HOTEL, 10 THEATRE STREET, WARWICK

The Committee considered an application from Urban & Country Leisure (Warwick) for the continued display in a modified form of advertisements consisting of two sets of individual lettering to be illuminated by stainless steel down lighters; one projecting hanging sign to be illuminated by trough light; one inset fascia sign; and one fascia sign illuminated by stainless steel down light.

The application was presented to the Committee due to an objection received from Warwick Town Council.

The case officer considered the following policies to be relevant:

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

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

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

It was the case officer's opinion that the proposals would not detract from the amenity of the area and would not be detrimental to public safety. Furthermore, the proposed development did not adversely affect the historical integrity, character or setting of the listed building, and 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.

Mr James MacKay, a member of CAAF, addressed the Committee. He was concerned that the design and lighting was insensitive to a listed building and the character of the conservation area. He stated that the signs were too large and the circular signs conflicted with the building; the lighting stood out too much and the font used on the signs clashed with the Georgian architecture. He said that the relevant issue to consider was whether the signs preserved or enhanced the listed building and the conservation area. It was his opinion that the signs and lighting were contrary to policies DAP4 and DAP8 and he requested that the Committee refused the application.

Members of the Committee felt that the signs and lighting were not sufficiently damaging to a listed building and therefore did not agree with the comments made by Mr MacKay. Councillor Brookes pointed out that on the other side of the road, buildings were "modern and brash". The Head

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of Development Services, Tracy Darke, confirmed that comments from the Conservation Architect had been taken into account.

Following consideration of the report and presentation, along with the representation made at the meeting, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendations.

RESOLVED that item W11/1465 be GRANTED subject to the standard advertisement conditions and condition one below:

the existing advertisements shall be modified in full accordance with the submitted application documents, and specification contained therein, no later than the 23rd July 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 DP2, DAP4 and DAP8 of the Warwick District Local Plan 1996-2011.

7. W11/1466 LB – LAZY COW HOTEL, STEAK AND ALE HOUSE, 10 THEATRE STREET, WARWICK

The Committee considered an application from Urban & Country Leisure (Warwick) for the continued display in a modified form of advertisements consisting of two sets of individual lettering to be illuminated by stainless steel down lighters; one projecting hanging sign to be illuminated by trough light; one inset fascia sign; and one fascia sign illuminated by stainless steel down light.

The application was presented to the Committee due to an objection received from Warwick Town Council.

The case officer considered the following policies to be relevant:

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

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

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

It was the case officer's opinion that the proposals would not detract from the amenity of the area and would not be detrimental to public safety. Furthermore, the proposed development did not adversely affect the historical integrity, character or setting of the listed building, and 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.

Following consideration of the report and presentation, along with the representation made at the meeting on the previous related item, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendations.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that item W11/1466 LB be GRANTED subject to the condition listed below:

the existing advertisements shall be modified in full accordance with the submitted application documents, and specification contained therein, no later than the 23rd July 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 DAP4 & DAP8 of the Warwick District Local Plan 1996-2011.

8. W11/1536 – 1 NEW STREET, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr D Hine for the conversion and change of use of an office building to a ten bedroom house in multiple occupation (HMO); provision of a bin store and two new parking spaces plus cycle storage after demolition of the existing double garage; erection of two dormer windows on the Mill Street elevation to replace the existing dormer window; erection of a parapet wall over the existing single storey structure; replacement of the existing first floor and roof level doors and fire escapes on the rear elevation with two new windows and two dormer windows; insertion of two new windows at the north-eastern end of the existing flat roof section; and bricking up of the existing doorway in the boundary wall on the New Street frontage.

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

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)
- TCP10 - Protecting the Residential Role of Town Centres (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (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.

PLANNING COMMITTEE MINUTES (Continued)

An addendum was circulated at the meeting which corrected the application description and an error in the case officer's report as the application did not include a single storey extension as stated on page two of the report.

Ms Helen Lothian addressed the Committee in objection to the application. She was concerned that there were too many HMOs in the area, indeed she stated that there was a total imbalance with the area having more HMOs than elsewhere and she quoted that the area had 65.9% of the total number of HMOs in the whole of Leamington Spa. She listed the problems she perceived with HMO properties and occupants with respect to the shortage of off-street parking, crime, and noise and anti-social and drunken behaviour, particularly late at night and in the early hours of the morning. She also stated that people did not put out their refuse in the proper place. Safety was also a concern, with the property sited at the corner of a dangerous four-way "dog-leg" junction. There was pressure with respect to on-street parking. Crime figures quoted were double those for North Leamington, especially in respect to domestic burglary, which Ms Lothian advised were four-times the figures quoted for North Leamington. There were also practical problems such as trying to get appointments with GPs especially when the students were in situ. Local schools suffered from not enough children living in their catchment areas. Local shops and businesses also suffered by having "part-time" customers. She asked the Committee not to allow any more HMOs.

Mr Les Greenwood, the applicant's agent, spoke in support of the application. He sympathised with the previous speaker's issues but pointed out that the proposal was in line with policy and that he had worked closely with the Council and followed officers' advice in respect of the application. There was no good reason to think that all the problems pointed out would be caused by the residents of the development. Work on the appearance of the development had been carried out following officers' advice and the proposal would be a marked improvement in the appearance of the building. He pointed out that the parking spaces were laid out to a good standard and two additional spaces would be provided.

The Committee members discussed the issue of car parking and the imbalance in respect of the area having such a high volume of HMO housing compared to elsewhere. Committee members were concerned that the application did not meet policy requirements in respect of off-street parking but were mindful that the shortfall was no worse than current parking availability. It was also noted that the development would not exacerbate current demand for on-street parking. In respect of noise issues caused by the majority of occupants of HMO properties being either students or young people, it was noted that if the property was occupied by a large family, then this too would have been a source of noise. The Head of Development Services, Tracy Darke, reminded councillors that they should set aside thoughts of the type of people likely to occupy the building as they had no proof that the likely occupants would be students. She advised the Committee members to consider the application on its specific use.

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

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that item W11/1536 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 drawing numbers 7655/2A; 5A; 6A and 7 and specification contained therein, submitted on 12 December 2011 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;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of new windows (including a section showing the window reveal, heads and cill details), and dormer windows at a scale of 1:5 (including details of materials) have been submitted to and approved by the local planning authority. The development shall not be carried out otherwise than in full accordance with such approved details (or any subsequently approved amendments) and thereafter shall not be removed or altered in any way without the prior written approval of the local planning authority. **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 proposed car parking area for the development hereby permitted shall be constructed, surfaced and laid out together with the bicycle racks and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be kept free of obstruction and be kept available for those purposes at all times thereafter unless otherwise agreed in writing by the local planning authority. **REASON:** To ensure that adequate parking facilities are provided and retained for use in connection with the development, in accordance with the

PLANNING COMMITTEE MINUTES (Continued)

- requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (5) all new window frames shall be constructed in timber and shall be painted on the external face and shall not be stained unless otherwise agreed in writing by the local planning authority. **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;
- (6) 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 contained within the Sustainable Buildings Statement and drawing number 7655/2A submitted on 12 December 2011. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications and shall not be removed or altered in any way without the prior written approval of the local planning authority. **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) all hard surfaces hereby approved shall be made of porous materials unless otherwise agreed in writing by the local planning authority. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan; and
- (8) the property shall not be occupied unless and until the bin storage area has been laid out in strict accordance with the approved plans unless otherwise agreed in writing by the local 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.
9. **W12/0358 – 20-24 HIGH STREET, AND 2-8 SWAN STREET, WARWICK**

The Committee considered an application from Gidney Holdings Limited for change of use of first and second floors from office use to nine residential flats, alteration to windows to first and second floors, construction of a wall and gate across vehicular access and construction of a garage and three-bay carport.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to the Committee as a request had been received from Councillor Illingworth.

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)
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)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP6 - Upper Floors within Listed Buildings and Conservation 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)
National Planning Policy Framework
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)

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 in terms of impact on the Conservation Area, parking, or other impacts which would justify a refusal of permission.

An addendum was circulated at the meeting. Warwickshire County Council had indicated concern with insufficient parking provision for the scheme, and the adjoining neighbour DCA had objected to the development as it had failed to overcome the previous refusal reason. The original scheme W11/1339 proposed nine parking spaces (one per dwelling) and the submitted scheme (Revision L) proposed seven spaces. Following discussions with DCA, who had the right of access across the site, the applicant had amended the scheme further that retained seven parking spaces (Revision M) and a further amendment had been submitted with six spaces (Revision N).

DCA had informed officers that they would assess the scheme (Revision N) to ensure that their vehicles could access through the site and indicated that they might withdraw their current objection to the scheme accordingly. At the meeting, the Chairman advised the Committee that a compromise agreement had been reached between DCA and the applicant.

PLANNING COMMITTEE MINUTES (Continued)

Mr James MacKay from CAAF addressed the Committee in objection to the application. He stated that CAAF had no objections to the change to residential use but that too many flats had been squeezed in and that there was a failure to provide sufficient parking and windows. He also claimed that the gate and wall had been unsuitably re-clad, and damaged the street scene. In respect of parking spaces, he stated that the policy standard should provide for 14.5 spaces, and the proposals provided less than half of this. On-street parking was an issue in Warwick and a policy existed which the Council should apply. Mr MacKay contended that the proposals contravened policies DP8 in respect of parking and DAP8 in respect of the conservation area.

Mr Rob Bassil, Technical Business Director at DCA was originally registered to speak in opposition to the application, but as the Chairman had previously explained, negotiations between DCA and the applicant had successfully reached a compromise arrangement. Mr Bassil confirmed that the revised proposal addressed concerns on commercial vehicle access and safety and therefore the previous objections to the application had been withdrawn.

Mr Brian Lewis, a chartered surveyor working for the applicant, addressed the Committee in support of the application. He stated that he understood the objections raised by Mr MacKay from CAAF, but if the Committee refused the application on these grounds, it would contradict the reasons given at the last refusal. He pointed out that in respect of the vehicle parking statement, parking was not a consideration as the location was considered to be a sustainable location. The application complied with the National Planning Framework issued on 26 March 2012.

The Chairman gave a short synopsis of his understanding of the history of the application. He stated that the reason the application had been refused previously was due to safety and access issues for the company at the rear. He pointed out that the applicant had fulfilled all demands made previously. The Highways Department had indicated that parking on this site could not be developed. The Chairman proposed that the application should be granted with a Section 106 Agreement waiving residents' rights to parking permits. The solicitor acting for the Council, Max Howarth, informed the Committee that residents who required parking permits would purchase one based on need and Gary Stephens, the Development Manager, informed the Committee that if the Section 106 Agreement had not been completed by the end of June, then a request would be made to refuse the application to ensure that matters were finalised.

Following consideration of the report and presentation, along with representations made at the meeting and the information contained in the addendum, the Committee was of the opinion that the application should be granted in accordance with the case officer's recommendation plus a Section 106 Agreement to be completed by the end of June 2012 waiving residents' rights to parking permits, and an amendment to Condition 2 to refer to the amended plans.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that item W12/0358 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 in accordance with the details shown on the application form, site location plan and approved drawings No.1816-16; 1816-10 Rev N; 1816-11 Rev D; 1816-13 Rev K; 1816-14 Rev B; 1816-15 Rev D, and specification contained therein, except as required by condition No.3 below and 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 commence unless and until details of all new external facing materials and window/door frames and access gate colours have been submitted to and approved in writing by the District Planning Authority. 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) 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;
- (5) the proposed car parking, manoeuvring and access areas for the development hereby permitted shall be laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan No.1816-10 Revision M and these areas shall be kept

PLANNING COMMITTEE MINUTES (Continued)

- available for use thereafter. **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;
- (6) the cycle provision shown on the approved plan 1816-10 revision M shall be completed before residential development is first occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON:** To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (7) the residential apartments hereby permitted shall not be occupied until the bin store has been constructed in full accordance with the details shown on approved drawing no. 1816-10 revision M and 1816-13 revision J. **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; and
- (8) a Section 106 Agreement to be completed by the end of June 2012 waiving residents' rights to parking permits.

10. W12/0417 – 16 BEAUCHAMP AVENUE, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr and Mrs Brotherston for the erection of a detached two storey annexe with cellar fronting onto Morton Street to provide garaging and family accommodation ancillary to the main dwelling.

The application was presented to the Committee because of a request received from Councillor Weber.

The case officer considered the following policies to be relevant:

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (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)
Distance Separation (Supplementary Planning Guidance)
The 45 Degree Guideline (Supplementary Planning Guidance)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

- 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)

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 considered to comply with the policies listed.

Mrs Hazel Shaw, a resident of Morton Street, addressed the Committee in objection to the application. She was concerned that the proposal would have a major impact on Morton Street, that the proposed annexe was over-development and ignored the 45 degree angle rule. The height of the building would overshadow and dominate that part of Morton Street. There would be loss of privacy and light and Mrs Shaw felt that obscure glass should be used on the properties facing Morton Street. The Juliet Balcony should also not be allowed as it was not a feature of housing in Morton Street and infringed privacy of neighbours. Mrs Shaw complained about noise and disturbance the residents had endured from the building noise which had been on-going for two years. She felt that gardens and open spaces had been defiled and asked for residents of Morton Street to be given the same consideration as those in Beauchamp Avenue.

The Committee was sympathetic to Mrs Shaw's concerns and the Council's solicitor confirmed that Condition nine as listed in the recommendations in the case officer's report could be enforced. It would require an application to vary the conditions to alter it. It was noted that a similar application had been granted back in 2009, and the differences between that application and the one before the Committee were very slight. Additionally, having visited the site, Committee members had formed the opinion that the proposals would not cause material harm to the District and the property at number 12 in the road was similar.

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

RESOLVED that item W12/0417 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

PLANNING COMMITTEE MINUTES (Continued)

location plan and approved drawing(s) 3548/02, 3548/05 & 3548/06, and specification contained therein, submitted on 16 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 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) prior to commencement of the development hereby approved, details of a porous surface treatment for the hardstanding or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house, shall have been submitted to and approved by the District Planning Authority. The hardstanding shall be constructed and surfaced, in full accordance with the approved details. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan;
- (5) all rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (6) the roofing material for the pitched roof parts

PLANNING COMMITTEE MINUTES (Continued)

- of the development hereby permitted shall be natural slate, a sample of which has been submitted to and approved in writing by the District Planning Authority. The bricks for the development hereby permitted shall be acid cleaned reclaimed bricks, a sample of which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (7) 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;
- (8) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), the garaging shown on the plans hereby approved shall be retained and kept available for such purposes and shall not be altered either internally or externally. **REASON:** To ensure that there are adequate parking facilities to serve the development, in accordance with the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (9) the development hereby permitted shall only be used as accommodation ancillary to the main dwelling house at 16 Beauchamp Avenue and shall at no time be occupied as a separate self contained dwelling house. **REASON:** Since there is insufficient parking and amenity space for a separate dwelling, and to help satisfy the objectives of Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011; and
- (10) all windows and doors shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

11. W11/0386 – SHERBOURNE FRUIT FARM, STRATFORD ROAD, WARWICK

The Committee considered an application from Sherbourne Park for the continued use of building for Use Class B2 for the purpose of repairing farm machinery in use on the Sherbourne Estate and the restoration and storage of classic cars.

The application was presented to the Committee as an objection had been received from Barford, Sherbourne and Wasperton Joint Parish Council.

The case officer considered the following policies to be relevant:

RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

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

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

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

DP6 - Access (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)

National Planning Policy Framework

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 in terms of which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

In an addendum circulated to the Committee at the meeting, Members were informed that it was the case officer's opinion that a restricted condition for the B2 use of restoration and fixing of classic cars only would not be reasonable. There was also clarification from the Applicant's agent on objections that had been received from the Parish Council.

The Committee considered that even though the building was not that attractive, it was better in use than not. There had been no known reports to the Committee of noise or disturbance, and Condition two in the case officer's recommendations addressed any issues of mess. The exposed location would help to prevent clutter and untidiness.

Following consideration of the report and presentation and the information contained in the addendum, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendation.

RESOLVED that item W11/0386 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall be retained strictly in accordance with the details shown on the application form, site location plan and approved drawing RGA 2001, and specification contained therein, submitted on

PLANNING COMMITTEE MINUTES (Continued)

15th July 2011 and 28th 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; and

- (2) no materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site. **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.

12. W11/0874 – LITTLE MANOR FARM, MANOR LANE, PINLEY GREEN, WARWICK

The Committee considered an application from Mrs B Haynes for the erection of a two-storey extension to provide ground floor living room and an additional first floor bedroom.

The application was presented to the Committee as an objection had been received from Rowington Parish Council.

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)
RAP2 - Extensions to Dwellings (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

It was the case officer's opinion that the development did not prejudice the openness and rural character of the green belt area and was considered to comply with the policies listed.

In an addendum circulated at the meeting, Committee Members were informed of further comments from Rowington Parish Council that had been submitted which were summarised as follows:

- the Parish Council full response had not been included in the Committee report and should be submitted in full;
- full weight should be given to Local Plan policies;
- reason for refused application W10/0682 still applied to the current proposal;
- LDC Certificate had been granted for a detached garage in June 2011.

PLANNING COMMITTEE MINUTES (Continued)

In response to this last point, the case officer had noted that the current proposal when submitted in June 2011 was not a valid application and was subsequently made valid in January 2012 when the additional information was submitted.

Committee Members were satisfied that the application could be granted.

Following consideration of the report and presentation and the information contained in the addendum, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendation.

RESOLVED that item W11/0874 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 drawing BH_2 03, and specification contained therein, submitted on 23/01/12 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 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. Those works shall not be removed or altered in any way without the prior written approval of the Local Planning Authority. **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 development hereby permitted shall not commence until 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

PLANNING COMMITTEE MINUTES (Continued)

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; and

- (5) 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.

13. W11/0974 – CAMBRIDGE HOUSE, 3 NEWBOLD STREET, ROYAL LEAMINGTON SPA

The Committee considered an application from WAC Investments for the erection of a single and two storey side and rear extension to the existing eight bed house in multiple occupation to provide a self-contained four bed house in multiple occupation.

The application was presented to the Committee as an objection had been received from the Town Council and because it was recommended that planning permission be granted subject to the completion of a legal agreement. Failure to complete the agreement by 30 June 2012 would result in refusal of the application.

The case officer considered that the following policies were 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)

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

SC13 - Open Space and Recreation Improvements (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)

Vehicle Parking Standards (Supplementary Planning Document)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Open Space (Supplementary Planning Document - June 2009)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

The 45 Degree Guideline (Supplementary Planning Guidance)

PLANNING COMMITTEE MINUTES (Continued)

Distance Separation (Supplementary Planning Guidance)

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 would have an acceptable impact on the surrounding properties and on car parking in surrounding streets.

In an addendum circulated at the meeting to Committee Members, the case officer had changed the conditions attached to the recommendation to enable the application to be refused if the Section 106 Agreement was not completed by 30 June 2012.

Committee Members noted that the building was in an area that had been prioritised for employment but a planning decision made a few years ago had contradicted this, therefore leaving little choice but to grant the proposal in line with the case officer's recommendation but in the event that the Section 106 Agreement was not completed by 30 June 2012, the application could be refused. Members were reassured that the windows on the building were substantial and so light would filter in. They considered that officers should be given authority to refuse the application in the event that the Section 106 Agreement was not completed by 30 June due to the impact the application would have on car parking and open space.

Following consideration of the report and presentation and the information contained in the addendum, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendation but with the proviso that if the Section 106 Agreement was not completed by 30 June, the application could be refused.

RESOLVED that item W11/0974 be GRANTED subject to the completion of a Section 106 Agreement to secure a contribution of £2,512 towards the provision or enhancement of public open space and to waive the rights of future occupants of the development to apply for resident's parking permits, and subject the conditions listed below:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) 768-A1-110-B & 768-A3-111, and specification contained therein, submitted on 1 August 2011 & 2 May 2012, unless first agreed otherwise in writing by the District Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

- 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) 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;
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, parapets, rainwater goods and the lantern light 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 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) 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;
- (6) the roofing material for the development shall be natural slate. **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) all rainwater goods for the development hereby permitted shall be metal. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;
- (8) all window and door frames and the bin store shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (9) the residential accommodation hereby permitted shall not be occupied until the bin store has been constructed in strict accordance with the approved plans. The bin store shall be retained and kept available for the storage of refuse and recycling associated with the development at all times thereafter, unless agreed otherwise in writing by the District 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;
- (10) the cycle store shown on the approved plans shall be completed before the residential accommodation hereby permitted is first occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON:** To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (11) the car parking areas shown on the approved plans shall be constructed prior to occupation of the development and thereafter be permanently retained for parking purposes for the development hereby permitted. **REASON:** To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011; and
- (12) 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;

RESOLVED that in the event that a Section 106 Agreement has not been completed in accordance with the above resolution by 30 June 2012, REFUSE for the reasons stated below:

PLANNING COMMITTEE MINUTES (Continued)

- (1) Policy DP8 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will only be permitted that makes provision for car parking that does not result in on-street parking detrimental to highway safety. The proposals would result in the loss of one existing off-street parking space and the resulting parking provision would not meet the Council's parking standards. Vehicles would, therefore, be likely to park on the public highway causing danger and inconvenience to other road users. The development is thereby considered to be contrary to the aforementioned policy; and
- (2) Policy SC13 of the Warwick District Local Plan 1996-2011 states that contributions from residential developments will be sought to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The Council have also adopted a Supplementary Planning Document on open space provision together with associated guidance on developer contributions for commuted payments for off-site provision and enhancement of public open space.

The commuted payment guidance dictates that a contribution of £2,512 should be provided for off-site provision and enhancement of public open space for the development that has been proposed. No unilateral undertaking has been put forward to secure such a contribution and therefore, in the opinion of the District Planning Authority, the proposals do not make adequate provision for open space. The proposals would therefore be contrary to the aforementioned policies.

14. W11/0975 LB – CAMBRIDGE HOUSE, 3 NEWBOLD STREET, ROYAL LEAMINGTON SPA

The Committee considered an application from WAC Investments for the erection of a single and two storey side and rear extension to the existing eight bed house in multiple occupation to provide a self-contained four bed house in multiple occupation.

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

The case officer considered that the following policies were relevant:

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

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

PLANNING COMMITTEE MINUTES (Continued)

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 within which the property was situated.

RESOLVED that item W11/0975 LB be GRANTED subject to conditions listed below:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) 768-A1-110-B & 768-A3-111, and specification contained therein, submitted on 1 August 2011 & 2 May 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, parapets, rainwater goods and the lantern light 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 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) 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;
- (5) the roofing material for the development shall be natural slate. **REASON:** To ensure an

PLANNING COMMITTEE MINUTES (Continued)

appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

- (6) all rainwater goods for the development hereby permitted shall be metal. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011; and
- (7) all window and door frames and the bin store shall be constructed in timber and shall be painted and not stained. **REASON**: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

15. W10/1621 LB – 36 PARADE, ROYAL LEAMINGTON SPA

The Committee considered a retrospective application from Paperchase Products Limited for the retention of non-illuminated 3mm thick fret cut satin stainless steel fascia letters.

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

The case officer considered that the following policies were relevant:

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

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)

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

It was the case officer's opinion that the application should be refused. The application site was in a Conservation Area and the building was Grade II listed.

The Committee were advised that in this instance, only listed building consent had been applied for as there were no other requirements that needed any planning permission.

It was noted that the script used on the shop sign was out of character with the building and did not follow the standard required. Members were shown photographs of other premises in the run of buildings and it could be seen that the style of lettering used by Paperchase was out of keeping with the other premises, although the style of lettering was in the corporate style used by Paperchase in its promotional material. It was also noted that other companies in that row of premises who also had clear corporate identities had complied with the standards required by the Council on their signage, such as McDonalds. The Committee also noted that if it set a

PLANNING COMMITTEE MINUTES (Continued)

precedent and allowed Paperchase to use its corporate style lettering, it would be difficult to refuse future applications. In order to avoid any conflict should an appeal be lodged, the Council had to be clear that its standards within the Conservation Area had to be maintained.

Following consideration of the report and presentation, the Committee was of the opinion that the application should be refused in accordance with the report and listed building enforcement action was authorised to require the removal of the fascia letters with the compliance period to be one month.

RESOLVED that W10/1621 LB be REFUSED and listed building consent be authorised to require the removal of the fascia letters with the compliance period to be one month.

Refusal reasons:

- (1) the application relates to a Grade II* Listed Building that is situated within the Royal Leamington Spa Conservation Area. The application property is situated within a traditional Regency terrace that forms a homogenous design composition. The existing building has a simple, Regency character, and this is reflected in the design of the shopfront, which is framed by rendered pilasters and a rendered fascia. The render incorporates strong horizontal ashlar banding and the Council have normally sought to restrict fascia lettering to within the middle of the three ashlar bands on this type of fascia. The lettering that has been installed is double the maximum height specified in the Council's Design Guidance (600mm compared with the stated maximum of 300mm). Consequently this represents an unduly prominent feature that has no regard to the special character of the building, cutting arbitrarily across the three ashlar bands. Furthermore, the lettering is in a modern, irregular, 'signature' style of script which is wholly at odds with the classical Regency character of the building. Therefore, in the opinion of the District Planning Authority, the signage causes unacceptable harm to the character and appearance of the Listed Building and the Conservation Area.

It is therefore considered that the signage is contrary to the Policies DP1, DAP4 and DAP8 of the Warwick District Local Plan and the adopted Supplementary Planning Guidance on Shopfronts and Advertisements in Leamington Spa.

PLANNING COMMITTEE MINUTES (Continued)

16. W12/0374 – 71A LILLINGTON ROAD, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr D Cowan for the change of use of annex to a separate dwelling.

The application was presented to the Committee because it related to a development that the Committee had previously authorised Enforcement Action against.

The case officer considered that the following policies were relevant:

Sustainable Buildings (Supplementary Planning Document - December 2008)

Open Space (Supplementary Planning Document - June 2009)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

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

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

DP13 - Renewable Energy Developments (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)

UAP1 - Directing New Housing (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)

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 and would be acceptable in terms of highway safety.

The Head of Development Services, Tracy Darke, asked Members to consider a late addition for the amendment of Condition 3 to tighten up the wording so that the condition was enforceable. The Council's solicitor confirmed that the original condition would not have ensured the payment of the contribution. The amendment would ensure payment and would be enforceable.

Members were concerned about the Highways Department condition recommending the demolition of the wall at the front of the properties to widen the access for cars. They felt that the wall was a feature of the road, especially in a Conservation Area and should be retained.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the recommendation in the report, but with the deletion of Condition 6 and replacement with a new condition to require no gates on the entrance, and revision to Condition 3 to more appropriately secure the contribution.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that W12/0374 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 drawing(s) 1204-2 & 1204-3, and specification contained therein, submitted on 4 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) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
 - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
 - (ii) the dwelling hereby permitted shall not be occupied until the scheme so approved has been implemented.
REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;
- (4) 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;
- (5) all window 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;

PLANNING COMMITTEE MINUTES (Continued)

- (6) no gates shall be installed on the front boundary of the site or at any point between the front wall of the dwelling and Lillington Road. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (7) the dwelling hereby permitted shall not be occupied as a separate dwelling unless:
(a) details of a vehicular turning area between the front wall of the dwelling and Lillington Road so that vehicles are able to enter and leave the public highway in a forward gear have been submitted to and approved in writing by the District Planning Authority; and
(b) the vehicular turning area approved under (a) has been provided in accordance with the approved details.
The vehicular turning area shall thereafter be kept available for that purpose.
REASON: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (8) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Part 1 (Classes A, B and E) of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON:** This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

17. W11/0321 – CORNERWAYS, MILL LANE, ROWINGTON, WARWICK

The Committee considered a retrospective application from Mrs G Wade for the erection of a timber landing stage into a pond.

The application was presented to the Committee as an objection had been received from Rowington Parish Council.

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)

PLANNING COMMITTEE MINUTES (Continued)

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

It was the case officer's opinion that the development did not prejudice the openness and rural character of the green belt area and did not have an adverse impact on the living conditions of neighbouring dwellings.

An addendum was circulated at the meeting. A neighbour had submitted comments in support of the application and Rowington Parish Council had submitted further comments to request that conditions be attached to any planning permission to ensure that the leylandii trees on the boundary with Horse Shoe Cottage did not exceed two metres in height and to ensure that the landing jetty was only used for purposes of pond maintenance. It was the case officer's opinion that such conditions were not considered reasonable in this case.

Members were in agreement with the case officer and did not agree with the comments made by Rowington Parish Council.

Following consideration of the report and presentation and the addendum, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendation.

RESOLVED that W11/0321 be GRANTED.

18. W11/0572 LB – 144 PARADE, ROYAL LEAMINGTON SPA

The Committee considered a part-retrospective application from Mr A King for the installation of non-illuminated fascia sign and non-illuminated signs behind shop window; installation of internal stud partition walls and counters; replacement of existing internal security grilles to rear windows; installation of security grille to roof light; refurbishment of existing suspended ceiling; installation of external security camera on rear elevation; and alteration to the shopfront.

The application was presented to the Committee as the Town Council has sent an objection.

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)

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

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.

PLANNING COMMITTEE MINUTES (Continued)

The Committee agreed with the case officer's report and not with the comments made by the Town Council.

RESOLVED that W11/0572 LB be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and the drawings of the internal alterations and alterations to the rear of the premises that were submitted on 3 May 2011 and the approved drawings of the shopfront and signage that were submitted on 9 May 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; and
- (2) the mullions shown on the approved drawing submitted on 1 May 2012 shall be installed no later than 22 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.

19. W11/1626 – BAKERS BARN, BAKERS LANE, KNOWLE, SOLIHULL

The Committee considered an application from Mrs Susan Smith for the erection of stable and hay store. This was an amendment to approved planning permission W10/1211.

The application was presented to the Committee as an objection had been received from Lapworth Parish Council.

The case officer considered the following policies to be relevant:

National Planning Policy Framework
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development did not prejudice the openness and rural character of the Green Belt area.

RESOLVED that W11/1626 be GRANTED subject to the following conditions:

- (1) the development the subject of this permission shall be modified to permanently remove the 3 roof lights from the front elevation of the

PLANNING COMMITTEE MINUTES (Continued)

building in full accordance with the details shown on approved drawing, submitted on 5th April 2012, by no later than 23rd July 2012 and thereafter shall not be further altered without the prior written permission of 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.

20. W12/0234 – 3 TRENTHAM GARDENS, KENILWORTH

The Committee considered an application from Mr S Warnke for the conversion of existing garage to create a single storey side/front extension incorporating front porch.

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

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (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
Vehicle Parking Standards (Supplementary Planning Document)
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.

Committee members did not agree with the Town Council's objections and noted that it was unusual for people in Kenilworth to put their cars in their garages.

RESOLVED that W12/0234 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

PLANNING COMMITTEE MINUTES (Continued)

- location plan and approved drawing(s) 7371-01, 7371-02 and specification contained therein, submitted on 9th 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) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no windows shall be placed at any time in the south western facing elevation of the extension. **REASON:** To retain control over future development so that the residential amenity of adjoining occupiers is protected and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

21. W12/0272 – 3 ASPLEN COURT, KENILWORTH

The Committee considered an application from Mr S Bedford for a proposed garage extension.

The application was presented to the Committee as the Town Council had submitted an objection.

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)
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

It was the case officer's opinion that although the proposal would be visible from the street scene of Asplen Court, it was in keeping with the street scene. The proposal would increase the functionality of the property. The Council had not received any objections from neighbours and therefore it was considered that the neighbours would not be adversely affected by loss

PLANNING COMMITTEE MINUTES (Continued)

of light, outlook or privacy and it did not result in an over-development of the site.

Committee Members were assured that proper neighbour notification had taken place.

RESOLVED that W12/0272 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 drawing(s) 11-3586-EX, 11-3586-PL and specification contained therein, submitted on 15th 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; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

22. ENF 175/18/12 – 7 MILL LANE, BARFORD, WARWICK

The Committee retrospectively agreed to the Chairman's decision that even though this item was not on the agenda, it was an urgent matter and needed an immediate decision. For the purposes of uniformity with the other items presented at the meeting, this late addition had been numbered as report 25.

The Committee considered a report as Mr R Barnes had erected a two-storey rear extension without planning permission.

The report was brought before the Committee to request that enforcement action be authorised.

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)

PLANNING COMMITTEE MINUTES (Continued)

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

It was the case officer's opinion that the development had significant adverse impact on the living conditions of the occupiers of the adjacent properties, and due to the failure of negotiations with the owners of the property, the service of an Enforcement Notice was now considered appropriate to secure the removal of the unauthorised development.

Members asked for legal opinion on what could be done and if there could be an alternative way forward rather than seeking an immediate enforcement notice. The Council's solicitor advised that the Council could serve a temporary stop notice. It could also seek an injunction to prevent further work until planning permission had been achieved, but injunctions were costly and time consuming, therefore a temporary stop notice would be more appropriate. However in this instance, building works were well underway, so this rather defeated the purpose of a temporary stop notice. The Council's solicitor advised Members to consider what was most expedient and if the building works were contrary to policy, then expedience would be best served by serving an enforcement notice.

It was noted that some of the work undertaken did not comply with policy; mention was made of the breach of the 45 degree guideline from the nearest habitable room windows within the rear elevation of number 5 Mill Lane at depth of 2.8 metres.

The Head of Development Services, Tracy Darke, informed Members that a re-think on delegated powers in respect of enforcement action should be undertaken so that notices could be served immediately. Currently, delays caused by waiting for the Planning Committee cycle meant that building works could be well underway before action could be taken. If the Council chose to wait for applications to be submitted, then it could find that applications would not be submitted.

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

RESOLVED that ENF 175-18-12 be AUTHORISED to secure the demolition of the two-storey rear extension and the removal of all materials from the site with a period of compliance of three months.

23. W11/0466 – SANDY LANE MEETING ROOM, SANDY LANE, ROYAL LEAMINGTON SPA

Following the submission of further information from the applicant, this item was withdrawn from the agenda.

(The meeting ended at 9.23 pm)