

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 6 April 2011 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

(Apologies for absence were received from Councillor Rhead)

197. **DECLARATIONS OF INTEREST**

Minute Number 200 - W10/0245 – Oaklands Farm, 357 Birmingham Road, Budbrooke

Councillors Mrs Blacklock, Mrs Bunker, Copping, Crowther, Mrs Higgins, Illingworth and Kirton all declared a personal interest because the applicant was a former Warwick District Councillor and was known to them.

Minute Number 201 – W10/1364 – Tallisman Square, Kenilworth

Councillor Mrs Blacklock declared a personal interest because some of the objectors were known to her and because the application was in her Ward.

Councillor Mrs Bunker declared a personal interest because the application site was very well known to her.

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

Minute Number 202 – W10/1661 – Former Petrol Filling Station, Coventry Road, Stoneleigh

Councillor Illingworth declared a personal interest because he had attended Parish Council meetings where the application was discussed and had attended a public exhibition on the application but had not expressed an opinion on the application.

Minute Number 203 – W10/1518 – 4 Old Milverton Road, Old Milverton

Councillor Mrs Blacklock declared a personal interest because the applicant's family were known to her.

Minute Number 211 – W11/0066 – 9 Clarendon Crescent, Royal Leamington Spa

Councillors Copping, Crowther and Illingworth all declared a personal interest because the applicant was a former Warwick District Councillor.

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 212 – W11/0067LB – 9 Clarendon Crescent, Royal Leamington Spa

Councillors Copping, Crowther and Illingworth all declared a personal interest because the applicant was a former Warwick District Councillor.

198. ENF 128/12/07 – 32 KENILWORTH ROAD, ROYAL LEAMINGTON SPA

The Committee considered a report that sought authorisation of enforcement action directed at the conversion of the rear wing of this building into two mews houses,.

The main issues relating to the unauthorised development were the impact on the character and appearance of the building, its surroundings and the wider conservation area and the impact of the increased intensity of use arising from the 3 and 4 bed mews dwellings on vehicle movements, parking and highway safety.

The previous refusal of planning permission for the development, the subject of this report and the subsequent appeal decision included those reasons.

The Inspector's comments on the use of the rear wing was focussed on the alterations which facilitated the creation of two dwellings on three floors including the blocking up of windows on the rear elevation which he considered harmed its external character and appearance. He also concluded that the balance between parking space and open rear garden space was unsatisfactory. In respect of parking provision and highway safety he concluded that in view of the local parking problem, including vehicles regularly parking on the pavement, there was insufficient parking for this intensity of development.

These conclusions formed the basis of the assessment of the revised proposals made in application W09/0213 which the Committee approved in April 2010. At that time, the Committee considered that the proposed development involving a reduction in the number of bedrooms of the 2 mews dwellings was also consistent with the design of the original villa and did not involve increased parking demand over and above the scheme originally permitted in 2004.

In this context the retention of the current unauthorised development comprising one 3 and one 4 bed house over three floors involving the blocking up of windows unacceptably harmed the character and appearance of the conservation area. Further, the retention of any additional number of bedrooms over and above those permitted in 2004 was judged to lead to unacceptable parking demand and associated harm to highway safety.

The current subdivision of the rear wing of the building into 2 mews dwellings (1 x 3 bed and 1 x 4 bed) was unauthorised. Notwithstanding the enforcement action already taken in respect of external alterations to the site; the most recent grant of planning permission including the revised provision of a 1 and a 2 bed mews dwelling in the rear wing of the building; and written assurances received from the site owner that all required

PLANNING COMMITTEE MINUTES (Continued)

internal and external works would be undertaken, to date there has been no progress on site.

It was therefore considered that in addition to the current consideration of further legal action relating to non-compliance with the extant enforcement notice directed at unauthorised external development at the site, the service of a further enforcement notice relating to the required internal alterations to the building was also required.

RESOLVED that appropriate enforcement action be authorised directed at the cessation of the use of the rear wing of the building as a 3 and a 4 bed mews dwelling and the alteration of that part of the building such that it conforms with either of the schemes permitted by planning permission W/04/0777 or W/09/0213 within a compliance period of 6 months.

(The Chairman had agreed to take the matter as an urgent item because the time limit for taking action was close to expiring.)

199. W10/1392 – GREAT PINLEY FARM, NUNHOLD ROAD, SHREWLEY

The Committee considered an application, from Mrs J Green, for the erection of replacement outbuildings to provide ancillary accommodation to house.

The application was presented to the Committee because an objection had been received from Shrewley Parish Council. This application was essentially the same as that brought before Planning Committee on 2 September 2010 but with an amendment to the height of the ridge on the 1.5 storey portion of the building being reduced by 0.3m.

The Committee had visited the site on 2 April 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
Planning Policy Guidance 2: Green Belts

It was the case officer's opinion that the development did not unacceptably harm the general openness or rural character of the green belt within which the property was situated, by reason of its scale, design and siting. The proposal was therefore considered to comply with the relevant policies.

Mr Merricks and Ward Councillor Mrs Gallagher, addressed the Committee outlining the objections of local residents and Mr Barnes spoke in favour of the application.

Following consideration of the report and presentation and the representations received, the Committee were of the opinion that the application should be refused on the grounds as set out previously because

PLANNING COMMITTEE MINUTES (Continued)

in their opinion the alteration was not considered to have significantly altered the proposal.

RESOLVED that W10/1392 be REFUSED because:

Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposal would have a serious adverse visual impact on the setting of the adjacent converted barn complex and would fail to harmonise with its surroundings. In addition there would be a serious adverse visual impact on neighbouring amenity.

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

200. W10/0245 – OAKLANDS FARM, 357 BIRMINGHAM ROAD, BUDBROOKE, WARWICK

The Committee considered an outline application, from Mr Butler, for a replacement dwelling.

The application was presented to the Committee because the applicant was a former District Councillor.

The application had been deferred at the meeting on 22 September 2010 for negotiation in relation to the size of the replacement dwelling. The Committee stated, however, that they accepted that a dwelling of approx. 100 sq. m. was too small for modern circumstances on this site but that any size above 140 sq. m. would need special justification.

The Committee had visited the site on 2 April 2011 because the Chairman had felt it would be beneficial to them when determining the application.

The case officer considered the following policies to be relevant:

PPG2 : Green Belts

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)

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

RAP3 - Replacement Dwellings (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the size of the proposed dwelling was still contrary to PPG2 and no very special justification had been supplied to override the presumption against inappropriate development in the Green Belt.

PLANNING COMMITTEE MINUTES (Continued)

The applicant, Mr Butler, addressed the committee in support of the application.

Following consideration of the report, presentation and the representation received the Committee were of the opinion that the application should be granted contrary to the officers recommendation because the application did not prejudice the openness and character of the rural area. In addition the Committee believed that the special circumstances had been justified because the office was associated with the business and if this was not considered the application footprint would be 140sqm as previously indicated as acceptable by the Committee.

RESOLVED that

- (1) W10/0245 be GRANTED as per the application subject to the following conditions
 - (i) standard conditions for outline planning permission;
 - (ii) the original building is demolished;
 - (iii) 10% renewable energy;
 - (iv) in the event that this application not be permitted without the progression of application W024/96;
 - (v) the replacement dwelling must not be larger than shown on the indicative plans;
 - (vi) permitted development rights be removed;
 - (vii) written approval, by the DPA, of suitable materials for the development;
 - (viii) written approval, by the DPA, of boundary treatment; and
- (2) the reason for departure from policy is that special circumstances had been justified because the office was associated with the business and if this was not considered the application footprint would be 140sqm as previously indicated as acceptable by the Committee.

201. W10/1364 – TALISMAN SQUARE, KENILWORTH

The Committee considered an application, from Cobalt Estates (Kenilworth) Ltd, for the construction of a temporary car park.

This application was presented to Committee at the request of Councillor Blacklock.

The application had been deferred at, the meeting on 5 January 2011 for a site visit, corrections to the applicants highways report, a considered opinion from the Highway Authority, clarification of the temporary period being requested, amendments to the boundary treatment and to seek the views of the visually impaired consultees on amended details.

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)

DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of loss of amenity which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

An addendum was circulated at the meeting by the planning officers that included details of two further letters of objection from residents along with a comment from R.O.C.K (Residents of Central Kenilworth).

Dr Morris addressed the Committee outlining the concerns regarding safety issues for users with the application.

Following consideration of the report and presentation along with the information contained in the addendum and representation to the Committee, the Committee were of the opinion that the application should be refused contrary to the recommendation in the report because it would not be safe for all users, would be detrimental to the shopping environment and the traffic management issues raised had not been clearly addressed or explained.

RESOLVED that W10/1364 be REFUSED because the application is contrary to UAP6, therefore detrimental to the shopping environment, contrary to DP2 and DP6 and therefore is not safe for all users and the planning authority is not convinced of traffic management issues in Station Road, Kenilworth through lack of clarity on the matter from WCC Highways.

202. W10/1661 – FORMER PETROL FILLING STATION, COVENTRY ROAD, STONELEIGH

The Committee considered an application from Mr Miller, for the erection of a single dwelling and detached garage.

The application was presented to the Committee at the request of Councillor MacKay and was supported by Stoneleigh Parish Council.

The Committee had visited the site on 2 April 2011 because the Chairman had felt it would be beneficial to them when determining the application.

The case officer considered the following policies to be relevant:

Planning Policy Guidance 2 : Green Belts

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)

PLANNING COMMITTEE MINUTES (Continued)

DP9 - Pollution Control (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)
RAP1 - Directing New Housing (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 erection of a dwelling on this site would not preserve or enhance the setting of the Conservation Area because it would introduce a substantial building into this generally open, planted, corridor. It would also stand on the crest of a low rise in the road, as the village was approached, which resulted in the village only coming into view after the application site had been passed.

The case officer accepted that the site, in its present condition, was unkempt and untidy but in their opinion this, in itself, did not justify granting consent for inappropriate development, particularly of such a substantial building in such a prominent position.

An addendum was circulated at the meeting by the planning officers that included details of a petition of 67 signatures in support of the application and the removal of the objection from the Environment Agency.

Councillor Baker, of Stoneleigh Parish Council, Mr A Murphy, Mr Blagburn and the Ward Councillor, Councillor MacKay all spoke in favour of the application and special circumstances of the application because of the nature of the site.

Following consideration of the report and presentation, along with the information contained within the addendum and the representations to the Committee, the Committee were of the opinion that the application should be granted contrary to the recommendation in the report because of the significant benefits the application would bring to the village by the enhancement of the site.

RESOLVED that W10/0967 be GRANTED

- (1) because of special circumstances (secure the tidying up and maintaining the site which is currently an eyesore next to a very prominent village location, secure decontamination of the site and will enhance the village setting, mindful of previous use of site as a bakery and domestic dwelling, note of emerging local planning requirements for consideration of local feeling for the improvement of the village); and
- (2) subject to any necessary approvals as a departure from the local plan, the following conditions:
 - (i) the development starts within three years;
 - (ii) permitted development rights be removed;
 - (iii) written approval from the DPA of materials;

PLANNING COMMITTEE MINUTES (Continued)

- (iv) written approval from the DPA of a landscaping scheme;
- (v) written approval of a contaminated land removal scheme;
- (vi) one access to and from the highway, that meets the requirements of the highway authority;
- (vii) 10% renewable energy requirement; and
- (viii) bat notes.

203. W10/1518 – 4 OLD MILVERTON ROAD, OLD MILVERTON

The Committee considered an application from Mr Tansey for the erection of a two storey side & rear extension and detached garage.

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

The Committee had visited the site on 2 April 2011 because the Chairman had felt it would be beneficial to them when determining the application.

The case officer considered the following policies to be relevant:

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

Sustainable Buildings (Supplementary Planning Document - December 2008)

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

Vehicle Parking Standards (Supplementary Planning Document)

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

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

The 45 Degree Guideline (Supplementary Planning Guidance)

RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that there were no material considerations sufficient to clearly outweigh the harm that the proposed development would cause to the Green Belt.

An addendum was circulated at the meeting by the planning officers that included details of the site and dimensions of the application as requested by the Committee on the site visit.

Mr Tansey and Councillor Hammon as Ward Councillor spoke in favour of the application explaining the merits of the application.

Following consideration of the report and presentation, along with the information contained within the addendum and representations made to the Committee, the Committee were of the opinion that the application should be deferred to enable further discussions with the applicant.

RESOLVED that W10/1518 be deferred to enable further discussions with the applicant over the proposed extension.

PLANNING COMMITTEE MINUTES (Continued)

204. W09/0251 – 5-6 MILVERTON CRESCENT WEST, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr and Mrs Kitchen for the erection of five, three bedroom dwellings and one, one bedroom dwelling after partial demolition of existing buildings.

The application was submitted to Committee for determination because of the number of objections received and because an objection had been received from Royal Leamington Spa 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)

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

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

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

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

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

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

SC13 - Open Space and Recreation Improvements (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)

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

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

Sustainable Buildings (Supplementary Planning Document - December 2008)

Vehicle Parking Standards (Supplementary Planning Document)

Open Space (Supplementary Planning Document - June 2009)

Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance)

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 and would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. The development achieved acceptable standards of layout and design and did not give rise to any harmful effects which would justify a refusal of permission. The proposal was therefore considered to comply with the relevant policies.

An addendum was circulated at the meeting by the planning officers that detailed a revised set of drawings that had been received and based on this proposed amendments to the conditions to reflect the revised drawings.

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

PLANNING COMMITTEE MINUTES (Continued)

officers recommendations subject to the amended drawing numbers in condition 2.

RESOLVED that W09/0251 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings (1525 rev 2d and 1525 rev 1e submitted on 30 March 2011), and specification contained therein, submitted on 16 April 2010, 14 December and 30 March 2011 unless first agreed otherwise in writing by the District Planning Authority.
REASON: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, including render and render colour) shall be submitted to and approved by the District Planning Authority before any constructional works are commenced.
Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) before any work in connection with the development hereby permitted is commenced on site, detailed plans and specifications of screenwalls/fences shall be submitted to and approved in writing by the District Planning Authority. The approved screenwalls/fences shall be constructed in the positions shown on the said plan before the buildings hereby permitted are occupied and shall thereafter be maintained in those positions unless otherwise agreed in writing by the District Planning Authority. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (5) 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, bargeboards 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;
- (6) no development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of noise between the Crescent Garage and the proposed development have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** In the interests of the amenities of future occupiers of the building, in accordance with the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (7) no development shall take place until the developer notifies which of the proposed methods of remediation for the contaminated land set out in the Ground Investigation Report submitted to the District Planning Authority in March 2009 is to be utilised and this has been agreed in writing by the District Planning Authority. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the District Planning Authority. The District Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where

PLANNING COMMITTEE MINUTES (Continued)

remediation is necessary a remediation scheme must be prepared and submitted for approval in writing to the District Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. A certificate of analysis to prove the suitability of any soil to be imported onto the site must be provided to the District Planning Authority for approval before the said soil is brought onto the site and soil re-sampled in situ on site and analysis results provided to the District Planning Authority. Certification by a suitable contaminated land consultancy must be provided to the District Planning Authority upon completion of the remediation. **REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

- (8) prior to the first occupation of the development hereby permitted a Sustainable Welcome Pack shall be submitted to and approved in writing by the District Planning Authority. A copy of the approved Sustainable Welcome Pack shall be provided to each dwelling. **REASON:** To help promote sustainable travel in the local area;
- (9) a landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (10) surface water shall not be connected into the public foul sewer system and shall be separated within the site prior to discharge to a soakaway (subject to tests), or other suitable SUDS technique. Details of the means of disposal of storm water from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;
- (11) the car park hereby permitted shall be surfaced with a porous material, marked out with white lines and available for use prior to the occupation of the development hereby permitted, in full accordance with the approved plan. **REASON:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (12) the area indicated on the plans hereby approved for vehicle parking and manoeuvring space shall at all times be kept free of obstruction and be available for those purposes. **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;
- (13) all hard surfaces hereby approved shall be made of porous materials. **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;
- (14) all rainwater goods for the development hereby permitted shall be metal. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (15) all window and door frames shall be constructed in timber and shall be painted and

PLANNING COMMITTEE MINUTES (Continued)

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.;

- (16) 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 Parts 1 and 2 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) 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; and

- (18) 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.

205. W09/1430CA – 5-6 MILVERTON CRESCENT WEST, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr and Mrs Kitchen for the demolition of existing buildings with the retention of existing facade to number 6 and forward projection of number 5 Milverton Crescent.

PLANNING COMMITTEE MINUTES (Continued)

The matter was presented to the Committee because it was linked to planning application W09/0251 which had been considered by the Committee at this meeting (Minute number 204).

The case officer considered the following policies to be relevant:

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

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

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

An addendum was circulated at the meeting by the planning officers that detailed a revised set of drawings that had been received and based on this proposed amendments to the conditions to reflect the revised drawings.

Following consideration of the report and presentation, along with the information contained within the addendum, the Committee were of the opinion that the application should be granted in accordance with the officers recommendations, subject to the amended drawing numbers in condition 2 and 3.

RESOLVED that W09/1403CA be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings (drawing number 1525 rev 2d), and specification contained therein, submitted on 30 March 2011 unless first agreed otherwise in writing by the District Planning Authority. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) prior to the commencement of the development hereby permitted, a detailed structural survey/report demonstrating the method in which the frontages of 5 and 6 Milverton Crescent West, as shown on drawing 1525 2d, submitted on 30 March 2011, are to be supported, retained and refurbished during

PLANNING COMMITTEE MINUTES (Continued)

the demolition, shall be submitted to and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate method of support is exercised to ensure the retention of the frontages onto Milverton Crescent West, in accordance with the requirements of Policies DA8 and DA9 of the Warwick District Local Plan 1996 – 2011; and

- (4) the demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under W09/0251 has been made. **REASON:** To avoid the creation of an unsightly gap within the Conservation Area, in order to satisfy the requirements of DAP8 of the Warwick District Local Plan 1996-2011.

206. W09/0355 – FIELD AT LONGBROOK OPPOSITE FERNWOOD FARM, ROUNCIL LANE, KENILWORTH

The Committee considered a retrospective application from Mr D Manuel for alterations to access to the field and construction of a hard standing area.

The application was submitted to the Committee determination because objections had been received from both Beausale Haseley, Honiley and Wroxall Parish Council and Kenilworth 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)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
Planning Policy Guidance 2 : Green Belts

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

An addendum was circulated at the meeting by the planning officers that included details of a neighbour who had now withdrawn their objection to the revised scheme.

Following consideration of the report and presentation the Committee were of the opinion that the application be granted in line with the recommendation in the report, subject to an additional requirement to meet the surfacing requirements of WCC Highways.

RESOLVED that W09/0355 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall be

PLANNING COMMITTEE MINUTES (Continued)

retained strictly in accordance with the details shown on the approved drawing(s) Block Plan, Elevation A, Elevation B, and specification contained therein, submitted on 1st April 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (2) the access shall be used for agriculture as a field access only and for no other purpose .
REASON : Other uses would be detrimental to highway safety; and
- (3) the hard standing shall meet the surfacing requirements of WCC Highways.

207. W09/0620 - NORTHLEIGH HOUSE, FIVE WAYS ROAD, SHREWLEY

The Committee considered a retrospective application from Mr and Mrs Morgan for the replacement of an old unsafe building.

The application was submitted to Committee for determination because an objection had been received from Shrewley 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 Policy Guidance 2 : Green Belts

It was the case officer's opinion that the development did not unacceptably harm the general openness or rural character of the green belt within which the property was situated, by reason of its scale, design and siting. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that W09/0620 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall be retained strictly in accordance with the details shown on the approved drawing(s) Elevational and floor plans unnumbered, and specification contained therein, submitted on 20th July 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

PLANNING COMMITTEE MINUTES (Continued)

- (2) the outbuilding shall be used for purposes incidental to the use of the main property.
REASON : To protect the amenities of the surrounding area, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

208. W10/1548 – THE OLD FARM, MOUSLEY END, ROWINGTON

The Committee considered an application from Mr Talbot for a two storey extension linking refurbished outbuildings to the dwelling.

The application had been submitted to the Committee for determination because 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)

DP4 - Archaeology (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)
Planning Policy Guidance 2 : Green Belts

DAP4 - Protection of Listed Buildings (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 this green belt area and it was considered to comply with the relevant policies.

An addendum was circulated at the meeting which stated that a Working Party of Rowington Parish Council would be recommending to the Parish Council they withdraw their objection because of the revised plans.

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

RESOLVED that W10/1548 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

PLANNING COMMITTEE MINUTES (Continued)

details shown on the approved drawing numbers 0227/P/1A, /2A, /4, /5 & /6, and specification contained therein, received on 14 March 2011 unless first agreed otherwise in writing by the District Planning Authority.

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

- (3) 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), rooflights, 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 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
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

209. W10/1566LB – THE OLD FARM, MOUSLEY END, ROWINGTON

The Committee considered an application from Mr Talbot for a two storey extension linking refurbished outbuildings to the dwelling, which included part demolition of the existing building.

The application had been submitted to the Committee for determination because an objection had been received from Rowington Parish Council.

PLANNING COMMITTEE MINUTES (Continued)

The case officer considered the following policies to be relevant:
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

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

An addendum was circulated at the meeting that stated that a Working Party of Rowington Parish Council would be recommending to the Parish Council they withdraw their objection because of the revised plans.

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

RESOLVED that W1566LB be granted subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 0227/P/1A, /2A, /4, /5 & /6, and specification contained therein, received on 14 March 2011 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (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), rooflights, 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 a high standard of design and appearance for this

PLANNING COMMITTEE MINUTES (Continued)

Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

210. W11/0001 – LINCOLN CROFT, CHURCH ROAD, HONILEY

The Committee considered a retrospective application from Mr Ahark for the erection of veranda to the rear of the property.

The application was presented to the Committee because an objection had been received from Beausale Haseley, Honiley and Wroxall 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)

RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

Planning Policy Guidance 2 : Green Belts

It was the case officer's opinion that the development respected the scale, design and character of the original dwelling and did not harm the general openness or rural character of the green belt within which the property was situated. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that W11/0001 be GRANTED subject to the development hereby permitted shall be retained in accordance with the details shown on the approved drawing(s) 1200-19A, 1200-15B, 1200-16B, and specification contained therein, submitted on 21st January 2011 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

211. W11/0066 – 9 CLARENDON CRESCENT, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr Dove for a timber garden gate access between rear garden and public park, set within extended stone boundary wall with proposed boundary metal railings.

The application had been submitted for determination by the Committee because the applicant was a former Warwick District Councillor.

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)

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

PLANNING COMMITTEE MINUTES (Continued)

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 or the adjacent Grade II Listed Building or the amenity of this locality. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that W11/0066 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 21 Rev A and 101223 Rev A (22) and (23) and specification contained therein, submitted on 17 January 2011 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1, DP2, DAP4 and DAP8 of the Warwick District Local Plan 1996-2011;
- (3) before the construction of any external wall hereby permitted is first commenced, a sample panel 1 metre square of the proposed random stone wall shall be constructed and approved in writing by the District Planning Authority. The approved panels shall be retained on-site until the completion of the building which shall be constructed strictly in accordance with the details of the approved panels. **REASON:** To protect the character and appearance of both the Conservation Area and the Listed Building in accordance with Policies DAP4 and DAP8 in the Warwick District Local Plan 1996-2011;
- (4) all railings for the development hereby permitted shall be metal and painted black.
REASON : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011; and

PLANNING COMMITTEE MINUTES (Continued)

- (5) the new pedestrian gate 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 Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011.

212. W11/0067LB – 9 CLARENDON CRESCENT, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr Dove for a timber garden gate access between rear garden and public park, set within extended stone boundary wall with proposed boundary metal railings.

The application had been submitted for determination by the Committee because the applicant was a former Warwick District Councillor.

The case officer considered the following policies to be relevant:

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

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

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

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

RESOLVED that W11/0067LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON :** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number 21 Rev A and 101223 Rev A (22) and (23), and specification contained therein, submitted on 17 January 2011 unless first agreed otherwise in writing by the District Planning Authority. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with

PLANNING COMMITTEE MINUTES (Continued)

Policies DP4 and DP8 of the Warwick District Local Plan 1996-2011;

- (3) before the construction of any external wall hereby permitted is first commenced, a sample panel 1 metre square of the proposed random stone wall shall be constructed and approved in writing by the District Planning Authority. The approved panels shall be retained on-site until the completion of the building which shall be constructed strictly in accordance with the details of the approved panels. **REASON:** To protect the character and appearance of both the Conservation Area and the Listed Building in accordance with Policies DAP4 and DAP8 in the Warwick District Local Plan 1996-2011;
- (4) all railings for the development hereby permitted shall be metal and painted black. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011; and
- (5) the new pedestrian gate 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 Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011.

213. W11/0106 – 283 RUGBY ROAD, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr McNulty for a single storey extension and internal alterations to the rear of the existing property.

The application had been submitted for determination by the Committee because an objection had been received from Royal Leamington Spa 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)

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

PLANNING COMMITTEE MINUTES (Continued)

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

RESOLVED that W11/0106 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number 3093/04, and specification contained therein, submitted on 27 January 2011 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.
REASON : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods 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;

PLANNING COMMITTEE MINUTES (Continued)

- (5) all window and door frames shall be constructed in timber and shall be painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011; and
- (6) all rainwater goods for the development hereby permitted shall be metal. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

214. W11/0224 – HILL BARN FARM, IRELANDS LANE, LAPWORTH

The Committee considered a retrospective application from Mrs Green for the removal of condition three, of planning permission W79/0903, that requires the occupation of the dwelling to be limited to a person solely or mainly employed or last employed in the locality in agriculture or forestry.

The application had been submitted to the Committee for determination because a contrary recommendation had been received from Lapworth 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 Policy Guidance 2 : Green Belts

It was the case officer's opinion that there was no legal basis not to grant consent due to the existence of the Certificate of Lawfulness.

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

RESOLVED that W11/0224 be GRANTED.

(The meeting ended at 9.50pm)