

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 25 September 2012 in the Town Hall, Royal Leamington Spa at 6.00pm.

**PRESENT:** Councillor Illingworth (Chairman); Councillors Mrs Blacklock, Brookes, Mrs Bunker, Cross, Ms De-Lara-Bond, MacKay, Rhead, Weed and Wilkinson.

## 92. DECLARATIONS OF INTEREST

Minute Number 96 – W12/0909 – Land adjacent to 122 Rouncil Lane, Kenilworth

Councillor Mrs Blacklock declared a personal interest as she knew the people who lived next door to the application site.

Minute Number 98 – W12/0661 – Maple Lodge, Old Budbrooke Road, Budbrooke, Warwick

Councillor Rhead declared that he was a Ward Councillor for the application site.

Minute Number 99 – W12/1043 LB – 13 Church Street, Royal Leamington Spa

Councillor Weed declared that she was a Ward Councillor for the application site.

Minute Number 102 – ENF 325/31/12 – 6 Penfold Close, Bishops Tachbrook, Royal Leamington Spa

Councillor Brookes declared that he was a Ward Councillor for the application site.

Minute Number 103 – ENF 386/37/12 – Amara, 7 Court Street, Royal Leamington Spa

Councillor Rhead stated that he had a predisposition against sexual establishment venues (SEVs) in Royal Leamington Spa. He would remain in the room but would not vote on the matter.

Councillor Wilkinson stated that he had a predisposition against sexual establishment venues (SEVs) in Royal Leamington Spa. He would remain in the room but would not vote on the matter.

## 93. SITE VISITS

To assist with decision making, Councillors Mrs Blacklock, Brookes, Mrs Bunker, Cross, Illingworth, MacKay, Ms Weed and Wilkinson visited the following application sites on Saturday 22 September 2012:

## **PLANNING COMMITTEE MINUTES (Continued)**

W11/0812 – Kenilworth Business Centre, 129-131 Warwick Road, Kenilworth; and

W12/0027 – Land South of Fremund Way, Whitnash

### **94. W11/0812 – KENILWORTH BUSINESS CENTRE, 129-131 WARWICK ROAD, KENILWORTH**

The Committee considered an application from Buildbase Limited for the demolition of the existing builders merchants premises and sub-let office accommodation (129-131 Warwick Road) and the demolition of the warehouse to rear. Erection of a replacement builders merchants trade sales building and showroom fronting Warwick Road. Erection of warehouse. Laying out of external storage yard. Widened access to Warwick Road. Installation of 2.4m high palisade boundary fencing and yard lighting columns. Erection of storage racking in yard.

This application was presented to the Committee because a number of objections to the application had been received including one from 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)  
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)  
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)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Vehicle Parking Standards (Supplementary Planning Document)  
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 amenities or traffic generation which would justify a refusal of permission.

An addendum was circulated at the meeting which informed the Committee that the Highways Authority had confirmed that it had no objection to the revised vehicle tracking information, subject to its previously recommended conditions/notes. Two neighbours had objected on the same grounds raised in previous objections.

Councillor Davies, representing Kenilworth Town Council, addressed the Committee in opposition to the application. He stated that the location was the wrong place for this business to operate and it should not be allowed in

## **PLANNING COMMITTEE MINUTES (Continued)**

the town centre. HGVs entering and leaving the site would cause further congestion in an already busy road where gridlocked traffic was a common occurrence. Parking would become an issue due to the additional HGV traffic. The character of the street, the footfall and the congestion problems all combined to make it an unsuitable location for HGV traffic.

Mr Wintle, speaking on behalf of residents from Grafton Place, addressed the Committee in opposition to the application. He stated that the application was contrary to policy DP1 as it did not contribute to the character of Clarendon Road. Noise and traffic problems would be contrary to policy DP2 and the proposals were contrary to policy DP6 as highway safety would be an issue. He informed the Committee that a large number of pedestrians used Clarendon Road and it was already evident that small HGVs had difficulty navigating this road, so the larger ones that this application would bring would be unable to properly navigate the road. It was his contention that the proposals were wholly inappropriate in a residential area.

Councillor Vincett addressed the Committee as Ward Councillor in opposition to the application. He was concerned that as the residential properties close to the application site in Clarendon Road were short, residents would be affected by noise, dirt, and light pollution. Large vehicles would be crossing Clarendon Road, which was in the Conservation Area. Clarendon Road was narrow and there were lots of vehicles parked in the road. He felt that the proposals would have a detrimental effect on the town due to the large vehicles coming and going to the site and because of the safety implications in a residential area. The application was unacceptable due to the loss of amenity, safety implications, large vehicles leaving the site might damage houses and there would be congestion issues as large vehicles attempted to turn onto Warwick Road. Councillor Vincett felt that the applicant had ample time to find a more suitable site in Kenilworth.

Members of the Committee were concerned that some of the tracking diagrams showing the flow of traffic were incorrect. Additionally, the discussions held three years previously which addressed the issue of access and egress to the site had not been followed up and the current plans did not have a proper entrance or exit suitable for the type of vehicles that would deliver to the site. Additionally, during those three years, Clarendon Road had been re-classified so that it was now in the Conservation Area. Members felt that it was inappropriate for HGVs to be regularly travelling through a Conservation Area.

Members felt that Warwick Road was already congested and that this situation would only get worse if HGVs were regularly visiting the site. It would cause a loss of amenity to residents in Clarendon Road. In particular, Members felt that the proposals were contrary to policies, DP2, DP6, highway safety, DP7 and DAP8. The loss of parking spaces in Clarendon Road was an unacceptable loss of amenity; highway safety was an issue with a predicted 28 HGV movements into Clarendon Road; increased traffic; the proposals would cause more HGV traffic flow in a Conservation Area; there would be noise and light pollution emanating from the site; and it was an undue intrusion for residents in Clarendon Road.

## **PLANNING COMMITTEE MINUTES (Continued)**

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee was of the opinion that the application should be refused contrary to the recommendations in the report.

**RESOLVED** that item W11/0812 be REFUSED contrary to the recommendations in the report for the following reasons:

- (1) the access arrangements for delivery vehicles would be unacceptable on highway safety grounds due to the increase in lorry movements to and from Clarendon Road and Warwick Road;
- (2) the proposals would result in unacceptable delivery traffic using Clarendon Road, resulting in noise and disturbance for the dwellings along that residential street and harm to the character and appearance of the Conservation Area;
- (3) the loss of parking on Clarendon Road as a result of the proposed Traffic Regulation Order is also considered to have an unacceptable impact on the amenities of nearby dwellings;
- (4) noise, disturbance and light pollution likely to arise from activities in the rear yard would cause unacceptable harm to the living conditions of nearby dwellings; and
- (5) the proposal is contrary Policies DP2, DP6, DP7 and DAP8 of the Warwick District Local Plan 1996-2011.

### **95. W12/0027 – LAND SOUTH OF FREMUND WAY, WHITNASH**

The Committee considered an application from A C Lloyd for a residential development comprising of 209 dwellings with associated garages, parking facilities, infrastructure, public open space, allotments, landscaping and access.

The application was presented to the Committee because a number of objections had been made about the application and because objections had been received from Royal Leamington Spa Town Council and Whitnash Town Council.

The case officer considered the following policies to be relevant:

- 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)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

## **PLANNING COMMITTEE MINUTES (Continued)**

SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)  
SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)  
RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)  
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Open Space (Supplementary Planning Document - June 2009)  
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)  
National Planning Policy Framework  
Affordable Housing (Supplementary Planning Document - January 2008)  
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)  
DP5 - Density (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the adverse impacts of the development in terms of the loss of the generally open nature of this designated Area of Restraint, and the visual impact on the wider landscape, did not significantly and demonstrably outweigh the benefits of the development, including the delivery of new market and affordable housing contributing towards meeting the housing needs of the area in a sustainable location adjacent to the urban area. Moreover, the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of highway safety, ecological impact or flood risk which would justify a refusal of permission. The impact on local services could be mitigated by the financial contributions secured by the Section 106 agreement. The proposals would have an acceptable impact on the living conditions of nearby residents.

An addendum was circulated at the meeting which informed the Committee that:

- further comments had been received from neighbours reiterating concerns already raised and listed in the case officer's report;
- Warwickshire County Council Libraries had confirmed that a contribution of £35,675 was required towards provision of library facilities. The developer had agreed to make this contribution;
- An objection had been received from the Warwick District Council's Safety Manager due to the absence of a clear statement of how community safety considerations had been taken into account in the

## **PLANNING COMMITTEE MINUTES (Continued)**

design of the development and other matters. The Planning Officer felt that the layout and design of the development had been carefully considered taking all relevant factors into account, including crime and disorder, and recommended a condition to require lighting details. As the Community Safety Manager had not raised any specific concerns about the proposed layout, the Planning Officer had concluded that the proposals would be acceptable on crime and disorder grounds. Also as the layout had been judged to be acceptable, the absence of a clear statement of how community safety considerations had been taken into account was not a valid reason for refusing planning permission.

Councillor Davis, representing Whitnash Town Council, addressed the Committee in opposition to the application. The Town Council was concerned about access on the lane which at times was very difficult to drive along due to parked vehicles on the road near the cemetery. Sometimes the lane was almost impassable, and the Councillor contended that emergency vehicles would have huge difficulty driving down the lane, especially in inclement weather.

Mrs Twohig-White, a local resident, addressed the Committee in opposition to the application. She was concerned about the possibility of flooding and contamination in the river. She appealed to the Committee to consider the residents, who had been living on a building site for 11 years. She stated that the windows in the houses were inadequate for modern traffic. Access would be an issue and the residents would suffer a loss of amenity.

Mr Blower, a local resident, addressed the Committee in opposition to the application. He reiterated access concerns along the lane and felt that it would cause a safety issue as motorists would be unable to see around corners. He was also concerned that the lane would be unsafe for pedestrians and horse riders. He informed the Committee that at least ten horses were ridden along the lane each day. The volume of traffic was already high, especially along Chesterton Heights. The addition of 209 dwellings would equate to approximately an additional 315 cars and Mr Blower felt that chaos would result, especially due to cars parked along the road. He had witnessed three car accidents, the most recent one being the previous day.

Mr Mitchell, representing A C Lloyd, addressed the Committee in support of the application. He informed the Committee that the draft Local Plan had identified the area as needing housing but the company had run out of land to build new homes. His company had liaised with planning officers to refine the scheme. The vast number of objections that had been submitted had been addressed. The proposals harmonised with the estate and the green space, with the inclusion of a junior football pitch for children. The bridge was capable of carrying emergency vehicles. He stated that the Council was unable to demonstrate that it had a five year supply of housing, therefore the application should be considered in terms of sustainable development unless an adverse impact could be demonstrated. 84 of the dwellings would be affordable housing.

Councillor Barrott, a Warwick District Councillor, addressed the Committee in opposition to the application. He thanked the Committee for giving him the chance to address it in view of the fact that the application was not in

## **PLANNING COMMITTEE MINUTES (Continued)**

his Ward, but it affected residents in his Ward as the boundary line was so close. Councillor Barrott disputed the previous speaker's assertion that the Council could not demonstrate it had a five year supply of housing and referred to the Regional Spatial Strategy and the Preferred Options consultation as proof that there was. He was concerned about the increased traffic volumes and the fact that Public Transport would be unable to get along the roads due to parked cars. The increased traffic flow would put a strain on the roads and there would be a highway safety impact. He contended that the traffic flow analysis should be done at peak road use hours. He asked the Committee to consider if it was right that the flats on the left side of the proposed access should be subjected to the road development next to their properties and pointed out that this would affect amenity. He referred to conditions 16 and 17 in the report, and said that noise would be generated, making noise an issue. He felt that condition 18 was not strong enough; lorries would arrive before 8.00 am, so in his view, condition 18 needed strengthening.

Councillor Mrs Falp, speaking as Ward Councillor for Whitnash, addressed the Committee in opposition to the application. She was unhappy that one of the few green areas would be built on and drew Members attention to the environmental impact. She was pleased that conditions had been recommended in respect of the ecology but pointed out that a lot of work had been done to preserve the area and its ecology to make it a nature reserve. She reiterated that the photos that had been produced at the meeting were unusual as they did not show cars parked along the road, which was the normal state of affairs. She questioned the fact that an environmental impact assessment had not been done.

Members were concerned that the access in and out of the location was not sustainable and felt that a further 209 dwellings would lead to congestion and cause safety risks, and possibly gridlock traffic with the volume of on-street parking. Members felt that the developer had not taken the opportunity to create a logical network of streets, and had instead continued the pattern of cul de sacs, leaving a single point of access to the estate. This in turn would make the residents far more car dependent as the choice of routes by foot would be limited. Members were mindful of Warwickshire County Council's Transport Strategy which encouraged the use of public transport. The proposed street layout included a chicane very close to the single point of access, which public transport would find difficult to negotiate. Residents would also be subjected to considerable noise from traffic and Members wanted proposals for prevention not mitigation.

Another concern was the lack of community facilities or shops. It was estimated that a mile round trip would be required to obtain basic provisions.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee was of the opinion that the application should be refused contrary to the recommendations in the report due to the development being unsustainable as a result of economic, social and environmental concerns. In particular, the lack of adequate access, impact on neighbours' amenities and lack of adequate infrastructure.

## **PLANNING COMMITTEE MINUTES (Continued)**

**RESOLVED** that item W12/0027 be REFUSED contrary to the recommendations in the report for the following reasons:

- (1) the proposals would represent an unsustainable form of development when assessed against the economic, social and environmental considerations set out in paragraph 7 of the National Planning Policy Framework;
- (2) the proposed access arrangements are considered to be inadequate, resulting in an unduly long cul-de-sac relying on a sole point of access back to Chesterton Drive;
- (3) existing residents adjacent to the proposed access to the site would suffer unacceptable noise and disturbance from vehicular traffic;
- (4) the District Planning Authority is concerned that there would be a lack of facilities for residents of the proposed development, with no facilities included in the proposed development or the recent development adjoining the site; and
- (5) the development is therefore considered to be contrary to the National Planning Policy Framework and Policies DP1, DP2, DP6, DP7 and DP9 of the Warwick District Local Plan 1996-2011.

96. **W12/0909 – LAND ADJACENT TO 122 ROUNCIL LANE, KENILWORTH**

The Committee considered an application from Mr Thadwal for the erection of a new dwelling on land adjacent to 122 Rouncil Lane, in relation to the approved outline application W09/1541 for the erection of a new dwelling.

The application was presented to the Committee because a number of objections had been received and an objection from Kenilworth Town Council had been received.

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)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
National Planning Policy Framework



## **PLANNING COMMITTEE MINUTES (Continued)**

Sustainable Buildings (Supplementary Planning Document - December 2008)  
Vehicle Parking Standards (Supplementary Planning Document)

It was the case officer's opinion that the development respected the surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. The development did not adversely affect the openness and rural character of the adjacent Green Belt.

Councillor Vincett, representing Kenilworth Town Council, addressed the Committee in opposition to the application. He stated that the application was not materially different to the previous one that had been submitted. The Town Council was concerned about the proposed mass and height and the proximity to number 122. There was also concern about the height difference to number 120.

Mr Lines, a local resident, addressed the Committee in opposition to the application. He was dismayed that there had not been many changes made since the previous application had been refused. He felt that the current proposals were overbearing and the plans did not give a true representation of the street scene.

Councillor Davies, speaking as a Ward Councillor, addressed the Committee in opposition to the application. He felt that the changes made since the previous application were cosmetic and cited that the height of the property would be increased but the depth would remain the same. The development was out of character with the street scene. Trees would have to be removed if the property was built.

The Committee sought clarification from the Head of Development Services on the extent of the changes since the previously refused application. The Head of Development Services confirmed that the building was now smaller in width and the gables had been reduced. The hipping of the roof did help reduce the massing of the building. She informed the Committee that the agent had worked with officers to overcome the previous objections.

Members were concerned about the affect of the proposals on number 120, which would be hugely dominated by a six-bedroom property. They felt that the alterations made since the previous application were tokenistic and that the application should be refused for the same reasons as on the previous application.

Following consideration of the report and presentation, along with the representations made at the meeting, the Committee was of the opinion that the application should be refused contrary to the officer's recommendations.

**RESOLVED** that item W12/0909 be REFUSED for the following reason:

- (1) 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

## **PLANNING COMMITTEE MINUTES (Continued)**

environment through good layout and design. Paragraph 64 of the National Planning Policy Framework also states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development. In the opinion of the District Planning Authority, the proposed dwelling is out of character and does not respect the surrounding properties and street scene, in terms of its scale, massing, and position in relation to the adjoining property number 120 Rouncil Lane. Furthermore, the proposed dwelling is unneighbourly and its dominance over the adjoining property number 120 Rouncil Lane will cause harm in terms of loss of light due to its proximity. The development is thereby considered to be contrary to the aforementioned policies.

### **97. W12/0871 – 34-44 VINE LANE, WARWICK**

The Committee considered an application from Mr and Mrs Pal and M Tec Warwickshire Limited for the construction of a new first floor flat (Plot 8, Vine Mews), with vehicular access below, a single storey extension and parking space to the front of the existing house (36 Vine Lane), and elevational treatment to the front of the existing dwellings (numbers 36-44 inclusive).

This application was presented to the Committee because an objection had been received from Warwick 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)
- 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)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
- SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)

## PLANNING COMMITTEE MINUTES (Continued)

Sustainable Buildings (Supplementary Planning Document - December 2008)  
National Planning Policy Framework

It was the case officer's opinion that the development respected the surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents.

An addendum was circulated at the meeting which informed the Committee that the applicant had amended the flat to a one-bedroom unit. The Warwickshire County Council Highway Engineer had confirmed that one additional unit was unlikely to be detrimental to highway safety.

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

**RESOLVED** that item W12/0871 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 drawing(s) 12-07/PA2/100 B; 12-07/PA2/101 A; 12-07/PA2/102 A; 12-07/PA2/103 A; 12-07/PA2/104 A; 12-07/PA2/105 A, and specification contained therein, except as required by condition 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) no development hereby permitted shall commence unless and until schemes and appropriate details have been submitted and approved in writing by the local planning authority to provide for:- the provision of and / or improvement of and / or maintenance of public open space within the catchment area of the site in accordance with Policy SC13 of the Warwick District Local Plan 1996 - 2011. The scheme shall be implemented in accordance with the approved details prior to the occupation of any of the dwellings hereby

## PLANNING COMMITTEE MINUTES (Continued)

permitted, unless otherwise agreed in writing by the local planning authority. **REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District 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. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and
- (5) the first floor flat and forward extension to number 36 Vine Lane hereby approved shall be erected concurrently and the first floor flat shall not be occupied until the forward extension to number 36 Vine Lane has been completed. **REASON:** Due to the position of the first floor flat forward of and adjacent to the boundary with number 36 Vine Lane, planning permission would normally be refused due to the adverse impact on amenity that would result; this adverse impact will not exist if the forward extension approved at number 36 was carried out concurrently with the flat development in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

98. **W12/0661 – MAPLE LODGE, OLD BUDBROOKE ROAD, BUDBROOKE, WARWICK**

The Committee considered an application from Mr Thwaites for the erection of a single storey garage.

The application was presented to the Committee because an objection had been received from Budbrooke 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)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework

## PLANNING COMMITTEE MINUTES (Continued)

It was the case officer's opinion that the proposed garage was inappropriate development within the Green Belt, however the very special circumstances in this case of providing a proportionate amount of garage space to serve the dwelling house was considered to outweigh the limited harm caused to the openness of the Green Belt and the inappropriateness of the development. The proposed garage did not harm the amenity of the area or surrounding properties.

Members felt that no work should start on the new garage until the existing garage had been removed. A condition would be added to reinforce the case for enforcement.

Following consideration of the report and presentation, the Committee was of the opinion that the application should be granted in accordance with the recommendations in the report with an additional condition to ensure the removal of the existing garage before work commenced to build the new garage.

**RESOLVED** that item W12/0661 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, and specification contained therein, submitted on 30/07/12 and 13/09/2012. **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) prior to commencement of the development hereby permitted the existing garage, shall have been demolished in its entirety and all associated material removed from the site.  
**REASON:** To ensure the development does not result in a greater impact on the character and openness of the Green Belt and to comply with the objectives of the NPPF. of Policy RAP3 of the Warwick District Local Plan 1996-2011.

### 99. **W12/1043 LB – 13 CHURCH STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application from Leamington Spa Blues Plaques Group to affix a blue plaque to commemorate Thomas Baker on the wall of 13 Street, Royal Leamington Spa. The plaque was 14 inches in diameter with the wording "Thomas Baker 1808-1864 Artist Lived Here".

## **PLANNING COMMITTEE MINUTES (Continued)**

The application was presented to the Committee because it had been submitted by an employee of the Council.

The case officer considered the following policies to be relevant:

DAP8 - Protection of Conservation Areas (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 development would not cause unacceptable harm to the historical and architectural character of the listed building and the Conservation Area within which the site was located.

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

**RESOLVED** that item W12/1043LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) 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) and specification contained therein, submitted on 17/08/2012. **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.

### 100. **ENF 097/12/12 – 3 HIGH STREET, WARWICK**

The Committee considered a report concerning a property occupied by Edge of the Web Limited. The enforcement matter was presented to the Planning Committee to authorise that appropriate enforcement action be directed at the removal of the unauthorised signage with a compliance period of one month.

The case officer considered the following policies to be relevant:

DP1: Warwick District Local Plan 1996 – 2011 - Layout and Design  
DAP4: Warwick District Local Plan 1996 – 2011 - Protection of Listed Buildings  
DAP8: Warwick District Local Plan 1996 – 2011 - Protection of Conservation Areas  
National Planning Policy Framework

## **PLANNING COMMITTEE MINUTES (Continued)**

It was the case officer's opinion that the unauthorised sign by reason of its position, height, design and illumination was an unsympathetic feature which detracted from the simplicity of the building to the detriment of its historic character and appearance. For that reason, it was also considered that the sign did not preserve or enhance the character and appearance of the Leamington Spa Conservation Area and was contrary to the above listed policies.

**RESOLVED** that ENF 097/12/12 be AUTHORISED to remove the unauthorised signage with a compliance period of one month.

### **101. ENF 293/28/12 – 10 VICTORIA TERRACE, ROYAL LEAMINGTON SPA**

The Committee considered a report concerning a property occupied by Barnardo's. The enforcement matter was presented to the Planning Committee to authorise appropriate enforcement action for the removal of the unauthorised logo feature with a compliance period of one month.

The case officer considered the following policies to be relevant:

DP1: Warwick District Local Plan 1996 – 2011 - Layout and Design  
DAP4: Warwick District Local Plan 1996 – 2011 - Protection of Listed Buildings  
DAP8: Warwick District Local Plan 1996 – 2011 - Protection of Conservation Areas  
National Planning Policy Framework  
Guidance on Shop Fronts and Advertisements in Leamington Spa

It was the case officer's opinion that the incorporation of a logo of the size and design installed detracted from the elegant simplicity and character of the listed Regency terrace and failed to preserve or enhance the character of the Leamington Spa Conservation Area both contrary to the above listed policies and guidance.

Upon receiving advice from the Head of Development Services, Members felt that it was appropriate to maintain the strict standards the Council had for signage as this strict adherence made the Council's position stronger in instances where appeals were lodged against Council decisions. The Head of Development Services confirmed that if Barnardo's placed its sign in a window or door, listed building consent would not be required.

**RESOLVED** that ENF 293/28/12 be AUTHORISED to remove the unauthorised logo with a compliance period of one month.

### **102. ENF 325/31/12 – 6 PENFOLD CLOSE, BISHOPS TACHBROOK, ROYAL LEAMINGTON SPA**

The Committee considered a report concerning a property owned by Mr Scott Richard Sims and Ms Donna Louise Cleaver. The enforcement matter was presented to the Planning Committee to authorise appropriate enforcement action for the removal of unauthorised fencing with a compliance period of one month.

## PLANNING COMMITTEE MINUTES (Continued)

The case officer considered the following policies to be relevant:

Warwick District Local Plan DP1: Layout and Design  
National Planning Policy Framework

It was the case officer's opinion that the unauthorised fence by reason of its prominent end of terrace position within this estate, immediately adjacent to a public footpath, seriously detracted from the intended open plan character of the area to the detriment of its visual amenities by enclosing the space and obscuring views across frontages of the properties.

Members agreed that the fence did make an impact on what was otherwise an open estate.

**RESOLVED** that ENF 325/31/12 be AUTHORISED to remove the unauthorised fencing with a compliance period of one month.

### 103. **ENF 386/37/12 – AMARA, 7 COURT STREET, ROYAL LEAMINGTON SPA**

Councillors Rhead and Wilkinson both moved to the side of the Chamber as they had both stated that they had a predisposition against SEVs in Royal Leamington Spa. The Chairman pointed out that there was no need for this, but both Councillors had decided not to participate in the debate or vote.

The Committee considered a report concerning a change of use application from drinking establishment (use Class A4) to a nightclub (sui generis use) which was refused permission at the Planning Committee meeting held on 5 September 2012. The enforcement matter was presented to the Planning Committee to authorise enforcement action directed at the cessation of the unauthorised use of the premises as a nightclub with a compliance period on one month.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2- Amenity (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)  
TCP7 - Opportunity Sites in Old Town, Leamington Spa (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)  
National Planning Policy Framework

Following the Planning Committee meeting held on 5 September 2012, when permission was refused for the change of use to a nightclub, it was drawn to officers' attention that the nightclub might already be in use and therefore an enforcement investigation was undertaken to stop such use.

Some Members were perplexed over the dichotomy in the decisions taken by two separate committees within the District Council. The Regulatory



## **PLANNING COMMITTEE MINUTES (Continued)**

Committee had granted permission for the venue to be given accreditation as a sex entertainment venue, but the Planning Committee had refused it permission for a change of use from a pub to a nightclub. However, it was noted that this was permissible and as the venue was clearly operating as a nightclub and had been refused permission to do this, then enforcement action would be appropriate.

The Chairman noted the excellent report from the Enforcement Officer and requested that this form an addendum to the minutes of the meeting (see Appendix 1).

**RESOLVED** that ENF 386/37/12 be AUTHORISED for the cessation of the unauthorised use of the premises as a nightclub with a compliance period of one month.

(The meeting ended at 10.00 pm)

DRAFT

## PLANNING COMMITTEE MINUTES (Continued)

### **Appendix 1**

Site Inspection Notes/Assessment  
Amara: 7 Court Street, Leamington Spa

Attended site at 10pm on Friday 21 September 2012 in order to establish whether the premises are in current use and if so whether they comprise a drinking establishment (use class A4) or a nightclub (sui generis).

Externally, all of the ground floor windows of the premises have been blocked in such that there is no natural light into the premises.

Internally, there is a main entrance lobby where customers are vetted by security along with a cashier/cloakroom attendant area: at present the premises open between 10pm and 3am with a £5 charge made for entry after midnight. The main part of the premises are essentially an open dance floor area which is currently set out with a number of tables and chairs. There is a substantive stage/runway constructed through part of the dance floor area including a pole. In addition to the bar area, there are also a small number of small more private rooms and a specific DJ booth looking out over the main area of the premises.

Membership is not needed to enter the premises and all customers are served at their tables by waitresses.

#### Assessment

There are a range of potential indicators which collectively may indicate either an A4 or a nightclub use including opening hours; extent to which the premises are set up for drinking/dancing/other entertainment; the extent to which they are family orientated or otherwise; whether they operate on a members only basis; whether there is paid entry; and other specific features such as a manned cloakroom area.

In this case, the premises are not open during the day and are open between 10pm and 3am. The absence of windows; the presence of the runway/stage (including pole) and DJ booth indicates that they are set up for music/dancing/other entertainment even though they may not be in such use all of the time. The use is not family orientated; potential customers are vetted on the door by security staff and pay an entrance fee of £5 after midnight.

Whilst consideration of the nature of the use is a matter of judgement, on the basis of what I have seen, it is my view that the current use of the premises tips towards use as a nightclub rather than an A4 drinking establishment.

GF