

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 6 November 2012 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

116. **DECLARATIONS OF INTEREST**

Minute Number 122 (item 11) – W12/0950 – Appleby, Snitterfield Lane, Norton Lindsey

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

Minute Number 127 (item 10) – W12/0535 – Abbey Park, Stareton Lane, Stoneleigh

Councillor MacKay declared an interest because the application site was in his Ward.

Minute Number 130 (item 16) – ENF 181/18/12 – Post Office Cottage, Hatton Green, Hatton, Warwick

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

117. **SITE VISITS**

To assist with decision making, Councillors Mrs Blacklock, Brookes, Mrs Bromley, Illingworth, Rhead, Weed and Wilkinson visited the following application sites on Saturday 3 November 2012:

W12/1004 & W12/1206 - York Road Centre, formerly the Old Library, Avenue Road, Royal Leamington Spa
W12/0535 - Abbey Park, Stareton Lane, Stoneleigh, Kenilworth

118. **MINUTES**

The minutes of the meeting held on 5 September and 16 October 2012 were not presented for approval. Officers advised that revised wording was being awaited for Declarations of Interest, following the recent changes to the Code of Conduct.

119. **W12/1004 – YORK ROAD CENTRE, FORMERLY THE OLD LIBRARY, AVENUE ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from TAG Exclusive Properties Ltd for the conversion of a former library (D1 use class) into 28 residential apartments, including extensions/alterations to the building and associated parking and landscaping.

PLANNING COMMITTEE MINUTES (Continued)

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

This item was taken in conjunction with W12/1206 LB which dealt with the listed building aspect of the application.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (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)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Vehicle Parking Standards (Supplementary Planning Document)
National Planning Policy Framework (NPPF)

An addendum circulated at the meeting outlined a number of additional comments from Royal Leamington Spa Town Council, The Leamington Society, Chris White MP and the Council's Community Safety department. There was a summary of the objections and concerns raised from members of the public and a response to these issues from the case officer.

It was the case officer's opinion that the proposed development was acceptable in principle and did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property was situated. The scheme did not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy and the proposal was considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

A number of objectors addressed the Committee. They were Ms Drake, Mr Emm, Mr Baxter, Mr Denwood, Ms Willington, Mr Brown and Mr Williams.

They were objecting to the application on the grounds that the building had been successfully used by community groups for the past few years and there was strong feeling that the space should continue to be used for this purpose.

Objectors were of the opinion that this was a historic building and public asset that should tie in with the rest of the neighbourhood and not be turned into flats. The Victorian Society objected to the loss of the atrium and the installation of too many windows. Mr Baxter also highlighted that the building had changed very little over the past 100 years and felt the character should be retained.

Concerns were raised that if the varied community groups had to leave the building, it would have a profound impact on the local community. Currently, upwards of 100 volunteers were involved with community organisations and provided much needed services to individuals with special needs as well as a teaching space for art and music.

Ms Drake addressed the Committee and stated that the application was contrary to policy and the report made no reference to the NPPF with regard to supporting community facilities. She felt that a premature conclusion had been reached by the officer and suggested that the decision be deferred to allow the report to be comprehensively re-written. She advised the Committee that this could leave the decision open to judicial review.

Four supporters addressed the Committee, including the applicant. They were Mr Paget, Mr Pitts, Mr Benjamin and the applicant, Mr Tate.

They felt that the application would be of benefit to the surrounding area because the building was in a poor state of repair and the volunteer and community groups were unable to maintain such a vast building, despite their best intentions.

The Leamington Society highlighted the importance of protecting heritage assets and they felt the new development would be in a position to do this. Local residents also felt the building needed restoring to its former glory and should be preserved for future generations.

The applicant assured Members that the original structure and features would be retained and reminded them that the removal of the atrium had been accepted by English Heritage. Mr Tate reiterated that his company were experienced in renovation and restoration projects and hoped that, if granted, the future of the building would be secured.

The Ward Councillor, Councillor Pittarello, addressed members and explained that the building was not in public ownership but was owned by Warwickshire College, whom he felt had been generous to offer their building to the community groups but it had always been known that it would be on a temporary basis. He applauded the excellent work done by the Bath Place Community Venture, who were held in high regard.

PLANNING COMMITTEE MINUTES (Continued)

However, he felt that the addition of 28 new homes to the area would help to secure the long term viability of the town.

The Head of Development Services addressed Members in response to the queries raised regarding policy. She stated that it was important to retain the historic asset and avoid the possibility of the building being left vacant. She reminded Members that the building was located in the Conservation Area and English Heritage were in support of the re-use of this listed building. In response to the comments made by Ms Drake, she reminded Members that they needed to make a decision based on the information before them and not have their judgement clouded with threats of judicial review.

Members were mindful that this was an application with a complex history and were reassured by the news that the Bath Place Community Venture had been offered new premises to operate from. In addition, it was felt that Mid Warwickshire College had been gracious in offering the building to the community groups, who had used it to their full advantage.

Members also felt that following their site visit to the building, it had been obvious it was in a poor state and they had concerns that it would be risky to allow any more time to lapse before remedial works were carried out. The Committee were encouraged by the developer's experience and expertise in this field of restoration work and felt that they had delivered a high quality proposal, which would respect the building and the surrounding area.

It was therefore proposed and duly seconded that the application be granted.

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

RESOLVED that item W12/1004 be GRANTED subject to the following conditions and the completion of a Section 106 agreement:

- (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) Drg No.P-A (03) 099 REV 01; P-A (03) 100 REV 01; P-A (03) 101 REV 01; P-A (03) 102 REV 02; P-A (03) 103 REV 01; P-A (03) 104 REV 00; P-A (03) 199 REV 01; P-A (03) 200 REV 01; P-A (03)

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202 REV 01; P-A (04) 100 REV 01; P-A (04)
101 REV 01; P-A (04) 102 REV 00; P-A (04)
103 REV 00; P-A (04) 104 REV 01; P-A (04)
105 REV 01; P-A (05) 100 REV 02; P-A (05)
101 REV 01; P-A (05) 102 REV 01; P-A (05)
103 REV 00; P-A (05) 120 REV 01; P-A (05)
121 REV 01; P-A (05) 122 REV 01; P-A (05)
130 REV 02; P-A (05) 131 REV 01, and
specification contained therein, except as
required by conditions 3 to 9 below. **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 in writing by the Local Planning Authority before any construction works are commenced. Development shall be carried out in accordance with the approved details. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) before development hereby approved commences details must be submitted to and approved in writing by the Local Planning Authority showing: a) 1:10 drawings of new external windows frames and associated arches, cills and mullions; b) 1:10 details of all new internal mouldings, including covings, skirting and architrave; c) details of new entrance doors to each apartment and associated door furniture. **REASON :** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a

PLANNING COMMITTEE MINUTES (Continued)

permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details prior to the first occupation of the apartment building hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s), shrub(s) or security hedging which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1, DP3, DP11 and DP14 of the Warwick District Local Plan 1996-2011;

- (6) prior to the first occupation of the building under the use hereby approved, satisfactory details for a secondary glazing scheme to minimise transmission of airborne noise from habitable windows in the north and east elevations of the building facing York Walk, shall have been submitted to and approved in writing 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) before the first occupation of the use hereby approved, security lighting and CCTV shall be installed at the application site and be fully operational in full accordance with details which have been submitted to and approved in writing by the Local Planning Authority, and once provided the additional security measures shall remain operational and shall not be removed or altered in any way. **REASON** : In the interests of the amenities of future occupiers of the building, in accordance with the objectives of Policies DP2 and DP14 of the

PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 1996-2011;

- (8) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the Local 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;
- (9) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (10) notwithstanding the approved plans the vehicle access gates provided at the entrance to the site shall not open outwards towards the public highway and the gates shall not be hung so as to open to within 5.8 metres of the near edge of the public carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (11) the car park hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan and kept available as such at all times thereafter. **REASON** : To ensure that adequate parking facilities are available, in accordance with the

PLANNING COMMITTEE MINUTES (Continued)

requirements of Policy DP8 of the Warwick District Local Plan 1996 – 2011;

(12) the cycle provision shown on the approved plans shall be completed before the apartments are occupied and kept available as such at all times thereafter. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011; and

(13) the scheme hereby permitted shall not be occupied until the bin store has been constructed in strict accordance with the approved plans. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

120. W12/1206 LB – YORK ROAD CENTRE, FORMERLY THE OLD LIBRARY, AVENUE ROAD, ROYAL LEAMINGTON SPA

The Committee considered an application from TAG Exclusive Properties Ltd for alterations and extensions associated with the conversion of a Grade II listed former library building into 28 apartments.

This item was taken in conjunction with W12/1004 which dealt with the change of use and general alterations to the building and as such the comments made by the members of the public as detailed in minute number 119 were taken into account.

The application was presented to the Committee because of the number of objections received concerning the impact of the conversion upon the historic fabric of the building.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

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 policies listed.

Following consideration of the report and presentation, along with representations made at the meeting and the information contained in the

PLANNING COMMITTEE MINUTES (Continued)

addendum, the Committee was of the opinion that the application should be granted in accordance with the officers recommendation.

RESOLVED that item W12/1206 LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted shall begin not later than three years from the date of this consent. **REASON :** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended);
- (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) Drg No.P-A (03) 099 REV 01; P-A (03) 100 REV 01; P-A (03) 101 REV 01; P-A (03) 102 REV 02; P-A (03) 103 REV 01; P-A (03) 104 REV 00; P-A (03) 199 REV 01; P-A (03) 200 REV 01; P-A (03) 202 REV 01; P-A (04) 100 REV 01; P-A (04) 101 REV 01; P-A (04) 102 REV 00; P-A (04) 103 REV 00; P-A (04) 104 REV 01; P-A (04) 105 REV 01; P-A (05) 100 REV 02; P-A (05) 101 REV 01; P-A (05) 102 REV 01; P-A (05) 103 REV 00; P-A (05) 120 REV 01; P-A (05) 121 REV 01; P-A (05) 122 REV 01; P-A (05) 130 REV 02; P-A (05) 131 REV 01, and specification contained therein, except as required by conditions 3 and 4 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) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any construction works are commenced. Development shall be carried out in accordance with the approved details. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) before development hereby approved commences details must be submitted to and approved in writing by the Local Planning Authority showing: a) 1:10 drawings of new external window frames and associated arches,

PLANNING COMMITTEE MINUTES (Continued)

cills and mullions; b) 1:10 details of all new internal mouldings, including coving, skirting and architrave; c) details of new entrance doors to each apartment and associated door furniture. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

121. W08/0880 – BARN CLOSE NURSERIES, OLD WARWICK ROAD, SHREWLEY

The Committee considered an application from Mr Collins for the retention of an existing mobile home on a permanent basis for the current occupier and his partner.

This application was originally presented to Committee due to an objection from Shrewley Parish Council, and the recommendation was to approve. The application was deferred at the meeting on 24 July 2012 at the request of the applicant in order that medical information be provided to the Council in order to justify 'very special circumstances' sufficient to warrant the recommended occupancy condition being extended to include Mrs Collins. Following the submission of this evidence, and the consideration of the application by the Council's agricultural consultant, the recommendation was changed to refusal with a request for the authorisation of enforcement action.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework
Annex A - Planning Policy Statement 7: Sustainable Development in Rural Areas
RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the applicant had not demonstrated that there was an essential need for a second agricultural worker to live at the site, or very special circumstances sufficient to justify the inappropriate development within this Green Belt area, and on this basis the proposal was considered to conflict with the policies listed.

Mr Rhodes addressed the Committee in support of the application and advised that Mr Collins had been on site since 1997 but during that time his health had deteriorated and he had experienced three heart attacks. At this stage negotiations had been good with the Council. However, the application was taken forward again in 2012 and it was agreed that Mr Collins could stay on the site but not his wife. Mrs Collins suffered from a medical condition and evidence had been supplied to support his. Mr Rhodes urged the Committee to consider the two individuals as vulnerable people.

Councillor Mrs Gallagher addressed Members in her capacity as Ward Councillor. She felt that special circumstances had been evidenced and felt it would be unacceptable to ask Mrs Collins to leave her husband, and be re-housed when they were both in poor health and had no savings.

PLANNING COMMITTEE MINUTES (Continued)

Councillor Mrs Gallagher suggested that the Committee may wish to have a legal agreement drawn up to ensure that the couple only stayed in the mobile home for the remainder of their lives but urged Members to look at this application with compassion.

Councillor Rhead supported the comments from both speakers and felt that reasonable judgement needed to be used. He therefore proposed that the application be granted, to include a condition regarding the length of stay being for the remainder of the couples' lives, because exceptional circumstances had been evidenced. The proposal was duly seconded.

Some Members raised concerns that this would set a precedent for other individuals wishing to live in a rural setting and did not feel it was fair to personalise matters. The Chairman, Councillor Illingworth, highlighted that it had been lax of the Council not to resolve this issue earlier and that the matter had been outstanding for a length of time.

A vote was taken to grant the application with conditions and was tied 5 votes to 5. The Chairman used his casting vote and the proposal was won.

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

RESOLVED that item W08/0880 be GRANTED contrary to the officer's recommendation and subject to the use of this dwelling being limited to the current occupiers for the remainder of their lives.

122. W12/0950 – APPLEBY, SNITTERFIELD LANE, NORTON LINDSEY

The Committee considered an application from Mr Dix for alterations and a two storey extension to the existing house.

The application was presented to the Committee because an objection had been received from Norton Lindsey Parish Council.

The application related to a two storey detached property situated on the east side of Snitterfield Lane and to the north of the junction with Canada Lane in Norton Lindsey. The application property was situated in a predominantly residential area and was not a Listed Building.

The case officer considered the following policies to be relevant:

National Planning Policy Framework

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

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

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

The 45 Degree Guideline (Supplementary Planning Guidance)

Sustainable Buildings (Supplementary Planning Document - December 2008)

An addendum circulated at the meeting advised that an additional objection had been received from Martin Bramich Associates on behalf of Mr Quayle, a resident at Foldyard House.

It was the case officer's opinion that the development respected surrounding buildings in terms of design and form; did not adversely affect the amenity of neighbouring residents; and was considered to enhance the character and appearance of the Conservation Area. The proposal was therefore considered to comply with the policies listed.

Mr Quale, a neighbouring resident, addressed the Committee in objection to the application. He stated that at full height the wall would be 8.8m high and would have a disproportionate impact on his family's life. He said there had been no consultation with neighbours and the case officer had only seen the property from the road and not from his property. Mr Quale felt that the Committee should undertake a site visit to help them make a sensible, balanced decision.

Mr Rickett addressed the Committee in support of the application which he felt had been fully negotiated on and upon which amendments had been made. He stated that the developments would improve the thermal performance and appearance of the building. He advised that there were no neighbouring windows overlooking the extension and the applicant had taken the Parish Council's comments into consideration.

Following consideration of the report and presentation, along with representations made at the meeting and the information contained in the addendum, the Committee was of the opinion that the application should be deferred to allow a site visit to take place.

RESOLVED that item W12/0950 be DEFERRED to allow a site visit to take place.

123. W12/1169 – FIELDGATE FARM, HASELEY KNOB, WARWICK

The Committee considered an application for a Lawful Development Certificate for the proposed erection of a steel framed agricultural building for the storage of crops and agricultural machinery, for Mr Lewis.

This application was being presented to Committee because it raised issues that, in the opinion of the Head of Development Services, would be prudent to refer the application to Planning Committee for decision.

The application site comprised an agricultural land holding known as Fieldgate, which adjoined the applicants dwelling, also known as Fieldgate.

PLANNING COMMITTEE MINUTES (Continued)

The lawfulness of the proposal had to be assessed against Part 6, Class A of the 1995 Order relating to agricultural buildings and operations. The Order required that the development must be on agricultural land, must be reasonably necessary for the purpose of agriculture, must not give rise to, alter or extend a dwelling and must not be within 25 metres of the metalled part of a road.

An addendum circulated at the meeting advised that an amended plan had been submitted, moving the position of the barn. An invoice had also been provided from a customer, as supporting information that the farm was trading. The addendum also contained further objections regarding the size of the barn, the lack of employees at the farm, the lack of farm accounts and the storage of the farm's machinery being located in Shrewley. Further views were also submitted regarding the visual impact on the countryside and Green Belt and the views from neighbouring properties.

It was the case officer's opinion that, taking all the information into account and the distinction between what was reasonably necessary and essential, the proposed building was reasonably necessary for the purpose of agriculture on the holding.

Councillor Mrs Gallagher addressed the Committee and advised that the property had not been run as a farm for many years. She informed Members that the landowner had planted leylandii, which no farmer would do, and the barn had been moved three times since the report was written. In addition, she advised that the metal barn was not suitable for crop storing and was of a poor scale and design.

Members raised concerns that one invoice was insufficient proof that the farm was trading but were advised by officers that the applicant was under no obligation to provide extensive evidence. Members also felt that the addendum was unclear, as were the drawings, and a full planning application should be applied for.

However, officers advised that if it was discovered that the premise was not being used for the purposes defined, the Council could use their enforcement powers to rectify the situation.

Following consideration of the report and presentation, along with representations made at the meeting and the information contained in the addendum, the Committee was of the opinion that the certificate should be granted.

RESOLVED that the Lawful Development Certificate for item W12/1169 be GRANTED.

127. W12/0535 – ABBEY PARK, STARETON LANE, STONELEIGH

The Committee considered an application from West Register (Realisations) Ltd for outline planning permission to include 14,010 sqm B1 (a) and B1 (b) office space requiring demolition of existing WWII hospital huts. Revised hard and soft landscaping plan for the whole site, including 466 no. new car-parking spaces.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to the Committee because a number of objections had been received from local residents and Stoneleigh and Ashow 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)
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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)
SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)
RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
National Planning Policy Framework

An addendum circulated at the meeting included extensive comments and recommendations from the County Council's Ecology department, which the applicant had confirmed they were happy to agree to. In light of Ecology's comments, an additional recommendation was agreed regarding habitat and bat surveys.

It was the case officer's opinion that the proposed development was acceptable in principle and was unlikely to result in a greater impact on the character and openness of the rural area. The proposal was therefore considered to comply with the policies listed.

Members raised concerns regarding the height of some of the buildings especially considering the variance in land levels on site. They had attended a site visit and were in agreement that the area was beautiful and the views across the site should be retained.

A number of other issues were raised including final placement of the buildings, energy requirements and the ability to restrict the height of the buildings. In response, officers advised that these issues could be dealt with at the reserved matters stage and felt that the relevant report should be brought back to Committee, irrespective of objections received.

Following consideration of the report and presentation and the information contained in the addendum, the Committee was of the opinion that the application should be granted with the additional recommendation from WCC Ecology.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that item W12/0535 be GRANTED subject to the following conditions:

- (1) details of the means of access to the building(s) and site, appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved. **REASON:** To comply with Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended);
- (2) application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years of the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (3) the development to which this permission relates shall begin within three years of the date of permission or within two years of the final approval of the reserved matters, whichever is the later. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 (as amended);
- (4) the reserved matters to be submitted in accordance with Condition 1 shall include details of all earthworks, mounding and the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, and the development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the

PLANNING COMMITTEE MINUTES (Continued)

Local Planning Authority. The drainage details shall incorporate Sustainable Drainage Systems (SUDS) including a long term management and maintenance plan, unless otherwise agreed by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON : To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flood problem and to minimise the risk of pollution in accordance with Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

- (6) a Travel Plan comprising the following details shall be submitted to and approved in writing by the District Planning Authority, in consultation with the Highway Authority, within 3 months of the date of the first occupation of the development hereby approved and should include the following:-

(i) a target for the proportion of employees who will travel by means other than single car occupancy;

(ii) a strategy for achieving the target(s);

(iii) a management programme;

(iv) a process for monitoring the process towards achieving the target(s); and

(v) measures should targets not be achieved.

Thereafter the use of the site shall operate in strict accordance with the approved Travel Plan. **REASON:** In order to promote sustainable transport choices to the site and in accordance with Policy DP7 of the Warwick District Local Plan 1996-2011.

- (7) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of

PLANNING COMMITTEE MINUTES (Continued)

the Warwick District Local Plan 1996-2011;

- (8) development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions (1) to (4) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (4) below has been complied with in relation to that contamination.

(1) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

(2) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation

PLANNING COMMITTEE MINUTES (Continued)

criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(3) Implementation of Approved Remediation Scheme

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 Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(4) Reporting of Unexpected Contamination

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 in accordance with the requirements of condition (1) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (2) above which is subject to the approval in writing of the Local 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 in accordance with condition (3) above.

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

PLANNING COMMITTEE MINUTES (Continued)

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;

- (9) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the Local 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;
- (10) any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first use of the office development and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON** : To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (11) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; traffic routes for construction vehicles and wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway, unless otherwise agreed in writing by the Local Planning Authority. **REASON :** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011;
- (12) all existing buildings on site identified for demolition shall be demolished and all rubble and other waste materials removed there from before first occupation of any of the replacement buildings. **REASON :** To ensure a satisfactory order of development in accordance with Policy DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (13) receipt of an updated Phase 1 habitat Survey and Bat Survey to the satisfaction of WCC Ecology. Failure to provide required surveys by 4 December could result in the application being refused.

124. W11/1367 – OPUS 40, BIRMINGHAM ROAD, WARWICK

The Committee considered an application from Opus Land for the variation of pre-commencement condition 6 of planning permission W10/0073 (outline application for class B1 (a/b) business development, a single storey estate office, and formation of new access onto Stanks Island and the closure of the existing access into Birmingham Road along with supporting infrastructure).

The application had been considered by Planning Committee on 17 January 2012 when it was resolved that planning permission should be granted subject to the completion of a Section 106 agreement. The application was

PLANNING COMMITTEE MINUTES (Continued)

being reported back to Committee because the Section 106 agreement had not been completed.

All details of the development including relevant policies, planning history and the site and its location were attached as an appendix to the report, in the form of the original application.

Following the meeting in January, officers had sought to progress the S106 but it was yet to be completed. Given the length of time that had elapsed since the resolution to grant permission, it was considered that the application should be brought back to Committee.

The applicant advised that the S106 should be completed before the end of November and it was considered appropriate for a deadline of 30 November 2012 to be imposed. If the revised deadline was not met it was the officer's recommendation that planning permission be refused, because the scheme would fail to provide a required Green Travel Plan.

Following consideration of the report and presentation and given the recent decision to grant permission in January 2012, and the fact that there had been no change in local planning policies, it was the opinion of the Local Planning Authority that the proposal remained in accordance with policies listed in the original report.

Therefore, the Committee was of the opinion that the application should be granted in accordance with the officers' recommendation with some minor grammatical changes to the exact wording.

RESOLVED that item W11/1367 be GRANTED subject to conditions and the completion of a Section 106 agreement to secure a Green Travel Plan. If the agreement has not been completed by 30 November 2012, authority be delegated to officers to refuse planning permission due to the failure to provide a Green Travel Plan as required by Policy DP7 of the Local Plan.

125. W11/1624 – 131-137 REGENT STREET AND 40 KENILWORTH STREET, ROYAL LEAMINGTON SPA

The Committee considered an application from Midland Assured Ltd for the demolition of a rear portion of an existing retail unit, division of an existing retail unit into four number retail units and erection of a single storey rear extension. Approval was also required for the installation of new shopfronts, erection of two number two storey houses and a three storey block of four flats.

This application had been considered by Planning Committee on 28 February 2012 when it was resolved that planning permission should be granted subject to the completion of a Section 106 agreement. The application was being reported back to Committee because the Section 106 agreement had not been completed.

PLANNING COMMITTEE MINUTES (Continued)

All details of the development including relevant policies, planning history and the site and its location were attached as an appendix to the report, in the form of the original application.

It was the case officer's opinion that the application should be granted subject to the conditions listed in the previous report and subject to the completion of a Section 106 agreement to secure funding for a number of necessary enhancements to the development.

However, in the event that a Section 106 agreement was not completed by 12 November 2012, it was proposed that officers be delegated powers to refuse planning permission due to the failure to provide adequate public open space or policing infrastructure to support the development and due to the detrimental impact on on-street parking.

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

RESOLVED that item W11/1624 be GRANTED subject to the conditions listed in the previous report, attached as an appendix to the report, and subject to the completion of a Section 106 agreement to secure the following:

- (a) a contribution of £8,792 towards the provision or enhancement of public open space;
- (b) a contribution of £2,376 towards the provision of increased police infrastructure; and
- (c) to waive the rights of occupants of the development to apply for resident's parking permits.

However, in the event that a Section 106 agreement has not been completed in accordance with the above recommendation by 12 November 2012, officers be delegated powers to REFUSE planning permission due to the failure to provide adequate public open space or policing infrastructure to support the development and due to the detrimental impact on on-street parking.

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

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

This application had been considered by Planning Committee on 2 May 2012 when it was resolved that planning permission should be granted subject to the completion of a Section 106 agreement. The application was

PLANNING COMMITTEE MINUTES (Continued)

being reported back to Committee because the Section 106 agreement had not been completed.

All details of the development including relevant policies, planning history and the site and its location were attached as an appendix to the report, in the form of the original application.

It was the case officer's opinion that the application should be granted, subject to the completion of a Section 106 agreement to revoke planning permission no. W10/1032 and subject to the conditions listed in the previous report.

However, in the event that a Section 106 agreement was not completed in accordance with the above recommendation by 12 November 2012, it was proposed that officers be delegated powers to refuse planning permission due to the harmful impact on the vitality and viability of the town centre and the harm that would be caused in terms of crime and disorder.

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

RESOLVED that item W12/0241 be GRANTED subject to the completion of a Section 106 agreement to revoke planning permission no. W10/1032 and subject to the conditions listed in the previous report, attached as an appendix to the report.

However, in the event that a Section 106 agreement has not been completed in accordance with the above recommendation by 12 November 2012, officers be delegated powers to REFUSE planning permission due to the harmful impact on the vitality and viability of the town centre and the harm that would be caused in terms of crime and disorder.

128. **W12/1107 – CUMSEY LODGE, THE CUMSEY, PINLEY GREEN, WARWICK**

The Committee considered an application from Mr Jarrett for proposed new stables, tack room and haystore.

The application was presented to the Committee 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)
- RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

RAP10 - Safeguarding Rural Roads (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

It was the case officer's opinion that the development was of an appropriate facility for outdoor sport and recreation and did not prejudice the openness and rural character of this Green Belt area and was considered to comply with the policies listed.

Members noted the condition that, should the stable cease to be used for equestrian purposes, it would be removed from the site. In addition they noted the support from the British Horse Society.

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

RESOLVED that item W12/1107 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (2) the development hereby permitted shall be carried out only in accordance with the details shown on the application form, site location plan and approved drawing(s) ACL12CL 03, and specification contained therein. **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) if the equestrian use on the site ceases then the building hereby permitted shall be removed from the land in its entirety within 3 months of that use ceasing. **REASON** : That the building is only appropriate development within the Green Belt as it is required for outdoor sport and outdoor recreation and if that requirement ceases then the building shall be removed in order to avoid a proliferation of such stable buildings, which would be harmful to the openness of the Green Belt and contrary to Policy RAP13 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the National Planning Policy Guidelines 2012; and

PLANNING COMMITTEE MINUTES (Continued)

- (4) the stables hereby permitted shall only be used for purposes in connection with and incidental to the use of the land for grazing purposes and shall not be used for the purposes of a livery or riding school or any other commercial purposes. **REASON** : To protect the rural character of the area, in accordance with Policies RAP10 and RAP13 of the Warwick District Local Plan 1996-2011.

129. W12/1243 – LAND TO THE SOUTH OF THWAITES WORKS, EAST OF WELSH ROAD, NEAR TO CROSS LANE AND MILL LANE, CUBBINGTON

The Committee considered an application from Warwick District Council for the construction of a flood alleviation scheme comprising the laying of pipework and associated headwall construction and earthworks to create attenuation areas (revised submission following withdrawal of application no. W12/0769).

The application was presented to the Committee because the applicant was Warwick District Council.

A planning application for these works had been submitted in June 2012 (W12/0769) but this was withdrawn in August 2012 to enable a Flood Risk Assessment to be prepared.

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

It was the case officer's opinion that the development would not prejudice the openness and rural character of this Green Belt area and would have an acceptable impact on neighbouring dwellings. Furthermore, the proposals would have an acceptable ecological impact and would be acceptable in terms of flood risk. The proposals were therefore considered to comply with the policies listed.

Following consideration of the report and presentation the Committee was of the opinion that the application should be granted in accordance with the officers' recommendation with an addition to condition 4 to ensure the inclusion of a construction traffic management plan.

RESOLVED that item W12/1243 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.

PLANNING COMMITTEE MINUTES (Continued)

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

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) LP1, CU/EA/01, CU/PL-01, CU/PL-02 & CU/PL-03A, and specification contained therein, submitted on 3 October 2012 & 5 October 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;

- (3) the development hereby permitted shall be carried out strictly in accordance with the mitigation measures specified in "Option D Flood Alleviation Scheme" in the Flood Risk Assessment dated September 2012 and submitted on 5 October 2012. **REASON** : To reduce the risk of flooding, in accordance with the National Planning Policy Framework; and

- (4) the development (including any works of demolition) shall proceed only in strict accordance with a construction method statement which has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **REASON**: In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies DP2, DP6, DP8 & DP9 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

130. ENF 181/18/12 – POST OFFICE COTTAGE, HATTON GREEN, HATTON, WARWICK

The Committee considered a report from Development Services requesting that appropriate enforcement action be authorised following erection of an unauthorised garage.

In May 2012, unauthorised development was identified comprising the erection of a wooden garage building. During contact with the property owner, officers advised that permission would be unlikely to be granted and sought the voluntary resolution of the above matters.

Subsequently, a planning application seeking the retention of the garage building was refused under delegated powers on 14 September 2012 because of: (1) the existence of an objection in principle by reason of its inappropriateness within the Green Belt and the absence of any very special circumstances; and (2) its detrimental impact on the setting of the Listed Building and the character and appearance of the street scene by way of scale, massing, alignment and materials contrary to the development plan policies and national guidance listed below.

The matter was withdrawn from the agenda of the last meeting in order to enable the site owner to employ a consultant to make written representations on his behalf.

At the time of the meeting, the unauthorised structure remained in situ.

The case officer considered the following policies to be relevant:

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

An addendum circulated at the meeting advised that Associated Construction Consultants Ltd had been appointed on behalf of the property owners, Mr and Mrs Langton. The consultants were hoping to reach an amicable solution by modifying the current structure and a meeting had been arranged, prior to Planning Committee taking place. In anticipation of this, officers proposed that Members authorise enforcement action but delay serving this for a period of three months.

Officers updated members on the current situation following the meeting detailed above and advised that an agreement had been made to look at amending the garage by setting it back and improving on it's appearance. However, officers highlighted that discussions needed to continue and be concluded swiftly and therefore felt that the recommendation, as amended, should stand to ensure that action could be taken if necessary.

Following consideration of the report and presentation, and the information contained in the addendum, the Committee was of the opinion that enforcement action should be authorised as per the addendum.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that enforcement action ENF 181/18/12 be AUTHORISED but not be served for a period of three months.

(The meeting ended at 9.30 pm)