

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 20 March 2012 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

Councillor Barrott substituted for Councillor Weed.

## 191. **DECLARATIONS OF INTEREST**

Minute Numbers 197 & 198 – W11/0527 & W11/0528LB – 17 Church Hill, Bishops Tachbrook

Councillor Brookes declared a personal interest because the application was in his Ward and he was a member of Bishops Tachbrook Parish Council, who had objected to the application. He did however, state that he had absented himself from their meeting when this item was considered and had not taken part in any discussions.

Minute Number 199 – W11/0947 – Arles Cottage, Snitterfield Lane, Norton Lindsey, Warwick

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

Minute Number 203 – W11/0259 – 26 Leam Terrace, Royal Leamington Spa

Councillor Barrott declared a personal and prejudicial interest because he was due to address the committee in his capacity of Ward Councillor. He stated that he would therefore leave the room whilst the item was debated.

Minute Number 204 – W11/1339 – 20-24 High Street and 2-8 Swan Street, Warwick

Councillors Mrs Higgins and Kinson declared personal interests because the application site was in their Ward.

Minute Number 210 – W11/0804 – 2 Church Street, Barford, Warwick

Councillor Barrott declared a personal interest because he was a resident of the village.

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

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

Minute Number 211 – W11/0805 CA – 2 Church Street, Barford, Warwick

Councillor Barrott declared a personal interest because he was a resident of the village.

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

Minute Number 212 – W11/1337 LB – 40 Tredington Park, Hatton Park, Warwick

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

Minute Number 214 – W12/0140 – 144 Parade, Royal Leamington Spa

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

### 192. **MINUTES**

The minutes of the meetings held on 7 and 28 February were taken as read and signed by the Chairman as a correct record.

### 193. **W08/1717 – 2-24 KENILWORTH STREET, ROYAL LEAMINGTON SPA**

This item was withdrawn because confirmation had been received that the Council could proceed with completing the Section 106 Agreement and issuing the planning permission.

### 194. **W10/0034 – SANDALL HOUSE FARM, NARROW LANE, LOWSONFORD**

The Committee considered an application from Ms Saber for the construction of a horse exercise pen.

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

This application and W10/0035 were withdrawn from the agenda in April 2010 by the Chairman, so that a planning enforcement investigation into whether an alleged material change of use of the site had occurred. The Council instructed a consultant to carry out the investigation and their report was summarised in the officer's report under the assessment, and a meeting was held with the Parish Council and Lowsonford Conservation Society to discuss the findings of the investigation.

The Committee attended a site visit on 17 March to assist them in making their decision.

The case officer considered the following policies to be relevant:

Planning Policy Guidance 2 : Green Belts

Planning Policy Statement 25 : Development and Flood Risk

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

RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District Local Plan 1996 - 2011)  
RAP9 - Farm Diversification (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
Warwickshire Landscape Guidelines SPG

It was the case officer's opinion that the development did not prejudice the openness and rural character of this green belt area, constituted development that was not inappropriate, would not cause serious harm to the amenity of nearby residents or cause increased flood risk, and was considered to comply with the policies listed.

An addendum was circulated at the meeting which included comments from a neighbour and additional comments from Lowsonford Conservation Society and Rowington Parish Council.

Councillor Mrs N Clarke addressed the Committee on behalf of Rowington Parish Council who had objected to the application in conjunction with Lowsonford Conservation Society. She stated that in their opinion the construction was not essential and advised of extensive facilities in the surrounding area. Mrs Clarke also made reference to the commercial attractiveness of the application and was concerned that to grant this would set a precedent in the special landscaped area of green belt.

Mrs J Davey addressed the Committee in objection to the application who felt that the proposed use of the site was not satisfactory. She advised members that this would be contrary to recent case law decisions and warned them of the dangers of making a premature decision.

Mr A Murphy addressed the Committee in support of the application and advised that his client ran the facilities for the breaking, schooling and rehabilitation of horses. They currently employed seven members of staff and had been recommended as an approved establishment by the British Horse Society. Mr Murphy highlighted that the structure would be constructed using porous material and was necessary for the running of the stables.

The Committee were mindful that there had been numerous pages of objection received but that they were largely irrelevant on planning grounds. Members agreed that the site visit had been useful and welcomed the possibility of increased employment. Reference was made to the original shared partnership, of which the agricultural aspect had now gone, leaving the equestrian aspect as the sole function at the site.

The Committee felt that the inclusion of Condition 4, which limited the use of the pen for horses stabled at the farm only, counteracted the objections regarding increased traffic to the site and felt that the application was consistent with PPG2, regarding development in the Green Belt.

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

## PLANNING COMMITTEE MINUTES (Continued)

**RESOLVED** that item W10/0034 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (5407-103; 5407-205B; 5407-403), and specification contained therein, submitted on 2 March 2010 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) there shall be no raising of existing ground levels within the development. **REASON**: To reduce the impact of flooding on the proposed development and future occupants, in accordance with Policy DP10 of the Warwick District Local Plan 1996-2011;
- (4) the use of the exercise pen shall be carried on only by the owners of Sandall House Farm and shall be restricted to horses permanently stabled at the premises. **REASON**: To ensure there is no increase in vehicle movements to the site in this rural location, in accordance with Policy DP7 of the Warwick District Local Plan 1996-2011; and
- (5) there shall be no outside lighting of the horse exercise pen hereby approved at any time without the written consent of the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

**Note:** As per WCC Countryside Access comments, a public path diversion should be submitted to the District Council regarding footpath W31.

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

### **195. W10/0035 – SANDALL HOUSE FARM, NARROW LANE, LOWSONFORD**

The Committee considered an application from Ms Saber for the variation and deletion of conditions imposed on planning permission W98/1384 (construction of exercise track).

The amendments would alter Condition 2 to read "The use of the exercise track shall be carried on only by the owners of Sandall House Farm and shall be restricted to horses permanently stabled at the premises".

Condition 3 would be deleted (The use of the track shall be for private purposes only and not related to any commercial activity) and Condition 4 reworded to read "The use of the exercise track for the purposes hereby permitted shall be restricted to the hours of 0800 to 1900 Monday to Saturday and at no time on Sundays".

Officers agreed with the amended wording in Condition 2 and the deletion of Condition 3. However, with regard to Condition 4, they felt that the proposed change in hours was not necessary and suggested that the hours permitted be restricted to 0600 to 1200 Monday to Saturday, to give neighbouring residents some protection of their amenity space.

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

This application and W10/0034 (also on this agenda) were withdrawn from the agenda in April 2010 by the Chairman, in order that a planning enforcement investigation into whether an alleged material change of use of the site has occurred. The Council instructed a consultant to carry out this investigation and their report is summarised below under the assessment, and a meeting has been held with the Parish Council and Lowsonford Conservation Society to discuss the findings of the investigation.

The Committee attended a site visit on 17 March to assist them in making their decision.

The case officer considered the following policies to be relevant:

Planning Policy Guidance 2 : Green Belts  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
Warwickshire Landscape Guidelines SPG

It was the case officer's opinion that the development did not prejudice the openness and rural character of this Green Belt and Arden Special Landscape Area, would not cause serious harm to the amenity of nearby residents, or lead to an unacceptable increase in traffic and was considered to comply with the policies listed.

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

An addendum was circulated at the meeting which included comments from a neighbour and additional comments from Lowsonford Conservation Society and Rowing Parish Council.

Councillor Mrs N Clarke addressed the Committee on behalf of Rowington Parish Council who had objected to the application in conjunction with Lowsonford Conservation Society.

Mr D Coleman, whose property adjoined Sandall House Farm's land, addressed the Committee in objection to the application. He made reference to his letter sent in April 2010 which raised concerns regarding the ten metre gap between the track and his boundary. Mr Coleman advised members that this caused him difficulties when trying to exercise his dogs due to the close proximity of the track.

Mrs J Davey addressed the Committee in objection to the application and reiterated the objections by the Lowsonford Conservation Society. She raised the question regarding challenging the Planning Inspector's decision and highlighted that the track would be 'open today visitors'.

Mr A Murphy addressed the Committee in support of the application and advised that the proposed alteration in the hours would enable the stables to exercise horses for five hours a day, in two groups of three. He reminded members that the track was not flood lit, did not hold competitive events and that any residential dwellings were some distance away.

The Council's legal adviser, John Gregory, addressed the Committee and explained that the granting of this permission would not be 'overturning' the Planning Inspectors decision. Applicants were allowed to request an alteration to conditions at any time, whether the decision had been made by the local authority or a planning inspector.

Following comments made by Mrs Davey, the Committee were concerned that there was a lack of clarity with regard to the actual track in question. The objectors present stated that the committee did not have the correct plan in front of them and the officers were unable to confirm or deny this. The Chairman therefore adjourned the item to the following evening when the officers would be able to clarify matters.

(See Minute Number 209 for resolution)

### **196. W10/1659 – TREHARROCK, VALLEY ROAD, LILLINGTON, ROYAL LEAMINGTON SPA**

The Committee considered an application from Treharrook Care Home for the erection of a four storey, 35 bedroom, residential care home, following demolition of the former doctor's surgery.

The application was presented to the Committee because of the number of objections received including one from Royal Leamington Spa Town Council. In addition, Councillor Boad had requested that the application be presented to the committee.

The Committee attended a site visit on 17 March to assist them in reaching their decision.

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

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
Distance Separation (Supplementary Planning Guidance)  
Open Space (Supplementary Planning Document - June 2009)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Vehicle Parking Standards (Supplementary Planning Document)

It was the case officer's opinion that the proposed development was of an acceptable standard of design which would harmonise with the character and appearance of its surroundings and did not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

Councillor S Lytton addressed the Committee on behalf of Royal Leamington Spa Town Council who objected to the application because they felt that, not only was the height and design of the premises poor, but there was a distinct lack of parking provision. Councillor Lytton made reference to the design of the church in comparison with the proposed design and referred members to their own Parking Standards document.

Mr R Noonan addressed the Committee in support of the application and expressed the need for this type of care home in the area. He felt it was a modern and viable design which had been put forward following two and half years discussion with not only the District planners but also the County Council's Social Services team. He advised members that the site was located on the non-residential side of Valley Road, was in the vicinity of four storey blocks of flats and would generate employment in the area.

Councillor Boad addressed the Committee in his capacity as Ward Councillor, objecting to the application. He made reference to the lack of parking spaces available combined with the constricted on street parking facilities. He stated that this was a large development which was being fitted into a very tight site and would provide a limited amount of amenity space for residents and staff. He made reference to the size and bulk of the building in comparison to the church and was concerned about the potential of the two storey residences nearby being overlooked.

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

The Committee were concerned regarding the manoeuvrability of large vehicles on site, including ambulances but noted that the Highway Authority were satisfied, subject to conditions.

Following the site visit, members accepted that on street parking in this location was wholly inappropriate and that the council's parking standard should be adhered to. They were sympathetic to the local need for specialised care homes but felt that this site was too small and the living conditions would be too cramped.

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be refused contrary to the officers' recommendation. This was on the grounds of a lack of parking provision, the scale, height and massing of the proposal was inappropriate in relation to the houses opposite, it was contrary to the safe access guidelines regarding vehicles manoeuvring on site, the outside amenity space was insufficient and the proposal was incompatible with the street scene and the neighbouring church.

**RESOLVED** that item W10/1659 be REFUSED for the reasons stated below:

- Lack of parking facilities (contrary to DP8);
- Scale, height and massing of building in relationship to the neighbouring dwellings (contrary to DP1);
- Lack of safe access for larger vehicles with inadequate manoeuvring space (contrary to DP6);
- The outside amenity space is insufficient and inadequate living environment (contrary to DP2);
- The proposal is incompatible with the neighbouring church and the street scene (contrary to DP1).

### **197. W11/0527 – 17 CHURCH HILL, BISHOPS TACHBROOK**

The Committee considered an application from Mr Hoyle for the erection of a garage with ancillary living accommodation over, after demolition of existing single storey garage.

The application was presented to the Committee because it raised issues that in the opinion of the Head of Development Services, it was prudent to refer the decision to Members.

The Committee attended a site visit on 17 March to assist them in reaching their decision.

The case officer considered the following policies to be relevant:

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

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

Vehicle Parking Standards (Supplementary Planning Document)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the proposed building would be harmful to the setting of the Listed Building and the character and appearance of the Conservation Area by reason of its excessive height and its siting, set predominantly in front of the building line of the Listed Building and in close proximity to the road frontage where it would dominate, compete for attention with an obscure views of the Listed Building and detract from the current open setting from the southwest and create a prominent and overbearing relationship to Church Hill.

The report highlighted that Policy DAP4 of the Warwick District Local Plan 1996-2011 stated that development would not be permitted that would adversely affect the setting of a Listed Building. Policy DAP8 stated that development would be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas.

The officer therefore felt that the proposed development would be contrary to the objectives of the aforementioned policies and recommended that the application be refused.

An addendum was circulated prior to the meeting which included comments submitted on behalf of the applicant.

Mrs Joanne Slater addressed the Committee in support of the application and stated that a lot of work and alterations had been made to the design to accommodate all parties. She stated that this building was necessary for her growing family to continue to reside there and they wanted to create something that would enhance the existing dwelling and improve their living conditions.

Some members of the committee were in support of the applicant. They did not feel that the proposal was overbearing and that it did not adversely affect the setting of the Listed Building.

Other members were concerned that there were very few styles of this Yeomanry house left in Bishops Tachbrook and felt that the development was inappropriate in the conservation setting.

It was proposed and duly seconded that the application be granted, contrary to the officers' recommendation, subject to the inclusion of the regular conditions as well as any that were relevant to the Conservation Area and Listed Building, such as agreement of materials. In addition, it was proposed that the Parish Council's condition be added which ensured that the building would only be used as ancillary to the main dwelling, the archaeologists comments be included and a condition be added to include 10% renewable energy provisions.

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

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be granted contrary to the officers recommendation because members felt it respected the listed building to which it was related and the design would preserve or enhance the setting of the listed building and the conservation area.

**RESOLVED** that item W11/0527 be GRANTED subject to the following conditions:

- (1) 10% Renewable energy provision;
- (2) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority;
- (3) large scale drawings and materials to be agreed with the Conservation Architect; and
- (4) the additional accommodation shall only be used as an ancillary to the main dwelling.

### **198. W11/0528 LB – 17 CHURCH HILL, BISHOPS TACHBROOK**

As per the information in the addendum, because the proposed building was not to be connected to the Listed Building, Listed Building Consent was not required. The application for Listed Building consent was therefore withdrawn.

### **199. W11/0947 – ARLES COTTAGE, SNITTERFIELD LANE, NORTON LINDSEY, WARWICK**

The Committee considered an application from Mr Smith for the erection of a two storey and first floor side extensions.

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

The case officer considered the following policies to be relevant:

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)  
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)

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

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

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

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

Planning Policy Guidance 2 : Green Belts

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

Mr Gold addressed the Committee in objection to the application as a neighbouring resident. He felt the design narrowed the gap between the two cottages and created an urban environment in an open, rural setting. Mr Gold stated that it would be more appropriate for the owner to build any extension to the southerly side of his property, away from his residence.

Mr Alex Mitchell addressed the Committee in support of the application and made reference to the design's compliance with local and national planning policy. In addition, he highlighted the amendments made with the drop in ridge height, the setting back of the extension and reminded members that the development complied with the 45 degree rule. Mr Mitchell advised that this was a sensitively laid out scheme which maintained many of the original features of the property.

Officers offered clarification on the design guide's interpretation of 'marginal' measurement differences and were mindful that there was some flexibility in the guidelines. Whilst some of the Committee felt the proposal was not disproportionate, others felt that it could infringe on the neighbour's privacy and their amenity would be affected.

It was proposed, and duly seconded, that the proposal be granted as per the officers recommendation. A vote was taken and was tied 5 votes to 5. The Chairman, therefore, used his casting vote and the application was granted subject to the conditions listed in the report.

**RESOLVED** that item W11/0947 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) (2010/1352/002C Mar 2012 and 2010/1352/005f), and specification contained

## PLANNING COMMITTEE MINUTES (Continued)

therein, submitted on 5 March 2012 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **Please note**: In order to discharge the condition above a brief report from the bat worker must be submitted to and approved by the local Planning Authority (with advice from WCC Ecological Services) within a month of the works being completed. **REASON**: To ensure that protected species are not harmed by the development, in accordance with Policies DP3 and DAP3 in the Warwick District Local Plan 1996-2011;
- (5) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and

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

- (6) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission, shall be placed at any time in the side elevation of the two storey extension hereby permitted. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

### **200. W02/1472 – PORTOBELLO WORKS, EMSCOTE ROAD, WARWICK**

The Committee considered an application from Gallagher Estates and Pettifer Estates to request that a previous Section 106 Agreement be amended. The S106 for part of the site provided for the provision of 34 x 2 bedroom apartments for shared ownership that had to meet minimum design standards in three separate blocks.

The site was originally owned by Gladedale who commenced construction following approval of reserved matters in 2006. Orbit Housing were in negotiations with Gladedale to deliver the affordable housing for shared ownership, however, an agreement could not be reached. Following changes in the financial and economic climate, and in particular the availability of mortgage finance for shared ownership apartments, and despite working with the developer and other registered providers, a solution could not be reached.

The site stalled completely in 2009 until 2011 when the site was sold to Circle Living.

The provisions of the s106 meant that due to the lapse in time and the failure to reach agreement to deliver the outstanding affordable housing, the new owners could deliver the units for outright open market sale. However, officers had been working in partnership with them to secure the delivery of the units for affordable housing.

Agreement had been reached between the Council, Circle Living and Waterloo Housing Group to deliver the 22 units in block AB but on affordable rent rather than shared ownership and despite the apartments being smaller than would normally be required.

The Council also considered the position in relation to the remaining 12 apartments for shared ownership in blocks G and PP. It was agreed that due to the difficulties in delivering the site to date, and in order to secure the 22 units that were ready for occupation now, the developer would sell the 12 apartments on the open market and would instead provide 2 x 3 bedroom houses for affordable rent elsewhere on the site.

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

The overall scenario would secure the delivery of 24 affordable units on the site which was a reduction of 10 and represented 26% provision of affordable housing rather than the required 30%. However, due to the provisions of the s106, the developer could have decided to deliver all the units for open market housing with no further affordable housing provision.

The application was presented to the Committee because of the need for the previous S106 Agreement to be amended.

The case officer considered the following policy to be relevant:  
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that in order to deliver the units for affordable housing it was necessary to complete a deed of variation.

The Committee were mindful that there was limited opportunity to alter this recommendation but were disappointed that the level of shared ownership properties would be lower than they had originally hoped for. However despite this concern members congratulated the housing officers concerned for securing this agreement and highlighted the need for affordable housing in the District.

Following consideration of the report the Committee was of the opinion that the report should be agreed.

**RESOLVED** that a deed of variation be completed to allow the following:

- (1) Change from 34 units of 2 bedroom apartments for shared ownership in the original agreement to 24 units comprising 14 x 2 bedroom and 8 x 1 bedroom apartments and 2 x 3 bedroom houses for affordable rent; and
- (2) the units do not have to comply with the minimum standards as set out in the original agreement.

### **201. ADJOURNMENT OF MEETING**

The Chairman adjourned the meeting of Tuesday 20 March 2012 to Wednesday 21 March 2012 at 6.00pm.

(The meeting adjourned at 9.45 pm)

### **RESUMPTION OF THE ADJOURNED PLANNING COMMITTEE MEETING**

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

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

Councillor Barrott substituted for Councillor Weed.

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

Apologies for absence were received from Councillor Mrs Higgins.

### **202. DECLARATIONS OF INTEREST**

The members of the Committee reiterated their declarations of interest, as made the previous evening, Minute 191, that were relevant to the applications to be determined this evening.

### **203. W11/0259 – 26 LEAM TERRACE, ROYAL LEAMINGTON SPA**

The Committee considered a retrospective application from Mr B Dhinjin for the change of use to a 16 bedroom house in multiple occupation.

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council and Councillor Barrott had requested it be considered.

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)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Vehicle Parking Standards (Supplementary Planning Document)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Open Space (Supplementary Planning Document - June 2009)

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

An addendum was circulated at the meeting which detailed a further letter from the resident at 28 Leam Terrace and an email from the Leamington Society.

Mr J MacKay addressed the Committee on behalf of Warwick District's Conservation Area Advisory Forum (CAAF). He endorsed the forum's view as outlined in the agenda and felt that the front elevation of the building should be reviewed and enhanced to bring it in line with CAAF guidelines.

Mr R Ashworth addressed the committee in objection to the application and supported the views of CAAF and the conservation officer. He advised that he had concerns regarding the parking provision detailed in the application.

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

Mr P Roache, a neighbouring resident, addressed the committee and highlighted that this was a retrospective application. He stated that residents already had to deal with incidents of anti social behaviour from tenants and visitors to the property and had the same affect on neighbours as living next door to a night club.

Councillor Barrott spoke in his capacity as Ward Councillor and laid out his grounds for objection. He reminded members that there had been ongoing parking issues in this area and felt that there was the potential for two more parking spaces on site. He appreciated the fact that this was not a listed building but felt that this application could have a detrimental effect on the listed buildings nearby. Councillor Barrott made reference to the provision of public open space but felt that there were plenty of other similar areas in the vicinity. He urged his fellow committee members to refuse the application for these reasons and to consider approving some form of enforcement, to alleviate the issues currently being experienced by residents.

The Committee had concerns that the retrospective aspect of the application showed a lack of respect from the applicant for the planning process. With regard to parking, members were mindful that there were good local bus and cycling routes but felt the provision of parking before them was still insufficient.

It was proposed and duly seconded that the application be refused on the grounds that it was contrary to the Council's policy on car parking and because of the detrimental impact that an HIMO would have on the amenity of the neighbouring properties.

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

### **RESOLVED** that

- (1) item W11/0259 be REFUSED because there would be insufficient car parking spaces which is contrary to the Council's Parking Standards and the use has a detrimental impact on the amenity of the neighbouring properties; and
- (2) enforcement action be AUTHORISED, with a compliance period of 6 months to cease the use.

#### **204. W11/1339 – 20-24 HIGH STREET AND 2-8 SWAN STREET, WARWICK**

The Committee considered an application from Gidney Holdings Ltd for the change of use of first and second floors, from office use to nine residential flats, alterations to windows at first and second floors and the construction of a wall and gate across the vehicular access. The application also requested permission for the construction of a garage and 3-bay carport.

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

The application was presented to the Committee because an objection had been received from Warwick Town Council who had concerns regarding the alterations to the windows. They were also mindful that the site was within the Conservation Area and did not feel that the balconies or new balustrade was in keeping with this.

The case officer considered the following policies to be relevant:

DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
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)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DAP6 - Upper Floors within Listed Buildings and 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 achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of impact on the Conservation Area, parking, or other impacts which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

An addendum was circulated prior to the meeting which detailed further comments and conditions proposed by WCC Highways department along with comments submitted on behalf of DCA Design International.

Mr J MacKay addressed the Committee on behalf of Warwick District's Conservation Area Advisory Forum and endorsed their comments. He particularly felt that the bin store was in an inappropriate position and should not be located in the main shopping area.

Mr R Bassil addressed members and stated that he supported the application in principle. However, as a local businessman he felt that it was a material consideration that it could restrict their operation and long term viability in the town centre resulting in a negative effect on his business. He also highlighted that the application was contrary to policy DP1 because

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

it did not harmonise with the area and was contrary to policy DP8 due to its restrictive access to suppliers.

Mr S Marson addressed the Committee in support of the application on behalf of the applicant. He stated that the premises had not been let as offices for the past two years. He felt that the new application would bring vitality to the building and that the changes were modest and in keeping with the area. He reminded members that the right of way for DCA had been preserved and had 'closed an ugly gap' as well as potentially resolving some of the anti-social behaviour problems currently experienced.

The Committee had concerns that there would be access difficulties for the manoeuvring and parking of commercial vehicles but were advised that civil matters, such as private access, were not a material consideration for them. However members had concerns regarding the safety of the proposed access route.

It was proposed, and duly seconded, that the application be refused because it was contrary to policies DP1, DP6, the SPD vehicle parking standards and policy DP8 (E) because it did not enable safe and satisfactory access by vehicles, principally commercial vehicles.

**RESOLVED** that item W11/1339 be REFUSED because the layout of parking would have an unacceptable impact on the safe and satisfactory access by vehicles and pedestrians, principally commercial vehicles to the site particularly impacting on pedestrian use and therefore contrary to DP1 (A H and K), DP6, SPD vehicle parking standards particularly section 8, and DP8 (E).

### 205. **W11/1451 – MORTIMER HOUSE, 52 KENILWORTH ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr Kohli for the erection of a detached garage and workshop in the rear garden.

This application was deferred at Planning Committee on 28 February 2012, to enable a site visit to take place on 17 March 2012. The report before the Committee was the same as presented previously, incorporating consultation responses on the amended plans that were included in the addendum report to the previous Committee.

The application was presented to the Committee at the request of Councillor De-Lara-Bond.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

The 45 Degree Guideline (Supplementary Planning Guidance)  
Distance Separation (Supplementary Planning Guidance)  
Vehicle Parking Standards (Supplementary Planning Document)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)

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

Councillor De Lara Bond addressed the Committee in objection to the application, in her capacity as Ward Councillor. She stated that she had concerns over various aspects, including the negative impact on the conservation area.

The Committee felt that the development was contrary to policy DAP8 because it adversely affected the conservation area from both inside and outside. There was a strong feeling that open spaces located in conservation areas should be protected.

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

**RESOLVED** that item W11/1451 be REFUSED because the application is contrary to DAP8, clauses 9.34 and 9.35, because it adversely affects important views and open spaces within the conservation area.

### 206. **W11/1457 – MORTIMER HOUSE, 52 KENILWORTH ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr Kohli for the demolition of an existing single storey side extension, erection of a replacement single storey side extension, demolition of an existing front boundary wall and erection of a replacement front boundary wall.

This application was deferred at Planning Committee on 28 February 2012, to enable a site visit to take place on 17 March 2012. An amended plan was subsequently submitted, confirming which of the existing entrance pillars were to be retained. This confirmed that the existing pillar on the northern boundary with No. 54 Kenilworth Road was to be retained and that the existing pillar on the southern boundary with No. 50 Kenilworth Road was to be rebuilt.

The report before the Committee had been updated to incorporate additional consultation responses that were previously included in the addendum report to Committee and addressed the late objection from the Highway Authority and the subsequent omission of the gates.

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

The application was initially presented to Committee because an objection had been received from Royal Leamington Spa Town Council. The application was presented to the Committee at the request of Councillor De-Lara-Bond.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Vehicle Parking Standards (Supplementary Planning Document)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
The 45 Degree Guideline (Supplementary Planning Guidance)

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

An addendum was circulated prior to the meeting advising that if the Committee were minded to grant the application an additional condition should be added to prohibit the installation of gates.

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendation subject to an additional condition that no gates be added to the pillars.

**RESOLVED** that item W11/1451 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site

## PLANNING COMMITTEE MINUTES (Continued)

location plan and approved drawing(s) 11.165/005c, 11.165/006e, 11.165/007b & 11.165/008a, and specification contained therein, submitted on 23 November 2011, 1 February 2012, 22 February 2012 & 2 March 2012, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, rainwater goods, the boundary wall, entrance piers and gates at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.  
**REASON** : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (4) all window and door frames shall be constructed in timber and shall be painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (5) all rainwater goods for the development hereby permitted shall be metal. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011; and
- (6) no gates shall be attached to the gate piers hereby approved. **REASON**: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011'.

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

### **207. W11/1516 CA – MORTIMER HOUSE, 52 KENILWORTH ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr Kohli for the demolition of the existing front boundary wall.

This application was deferred at Planning Committee on 28 February 2012, to enable a site visit to take place on 17 March 2012. An amended plan was submitted confirming whether the existing entrance pillars on the northern and southern boundaries were to be retained. This confirmed that the existing pillar on the northern boundary with No. 54 Kenilworth Road was to be retained and that the existing pillar on the southern boundary with No. 50 Kenilworth Road was to be rebuilt.

This application was initially presented to Committee due to an objection having been received from Royal Leamington Spa Town Council. The application was also presented to Committee at the request of Councillor De-Lara-Bond.

The case officer considered the following policies to be relevant:

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

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

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

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

**RESOLVED** that item W11/1416 CA be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) this consent shall relate strictly to the details shown on the application form, site location plan and approved drawing(s) 1165.006e, and specification contained therein, submitted on 6 December 2011 & 2 March 2012, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with

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

Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

- (3) the demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under planning permission no. W11/1457 has been made.  
**REASON** : To avoid the creation of an unsightly gap within the Conservation Area, in order to satisfy the requirements of DAP8 of the Warwick District Local Plan 1996-2011.

### **208. W12/0040 – GUYS CROSS NURSING HOME, 120-122 COVENTRY ROAD, WARWICK**

The Committee considered a retrospective application from Mr Stickley for the erection of a replacement smoking shelter together with small modifications to rear paved area.

The application was presented to the Committee because an objection had been received from Warwick Town Council who felt that the development did not comply with policies DP1 and DP2.

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)

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

An addendum was circulated prior to the meeting which advised that 15 letters of support had been received.

Mr J Hancock addressed the Committee in support of the application on behalf of the applicant. He endorsed the report and explained that other locations had been considered but that this was a replacement structure. Mr Hancock also felt that they had a legal obligation to provide this facility for their residents and the shelter was predominantly be used during inclement weather when other people would not be using their gardens.

Councillor Mrs Bromley addressed the Committee in objection to the application in her capacity as Ward Councillor. She advised that there had been a number of complaints from neighbours regarding noise and smells of smoke until the early hours of the morning. However, it appeared that there had been a lack of acknowledgment until March 2011. Councillor Mrs Bromley outlined the history of the site and hoped that the Committee would take the opportunity to end this unpleasant disturbance.

It was suggested that the shelter was contrary to policy DP1 and did not reflect the design or structure of the nursing home or surrounding

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

buildings. In addition, concerns were raised that it was detrimental to policy DP2 and Councillor Mrs Bromley urged the Committee to undertake a site visit at the least.

Members were concerned that the application appeared to aggravate neighbouring residents and felt that the shelter had a detrimental effect on their amenity, and was contrary to Policy DP2.

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be refused, contrary to the officer's recommendation. In addition, members agreed that enforcement action should be authorised, with a three month suspension allowing for discussions to take place between parties, followed by a compliance period of one month to remove the shelter.

### **RESOLVED** that

- (1) W12/0040 be REFUSED for the following reasons because it was contrary to Policy DP2 and had a detrimental effect on neighbouring resident's amenity; and
- (2) enforcement action be authorised, suspended for three months to allow for discussions to take place, followed by a compliance period of one month to remove the shelter.

### 209. **W10/0035 – SANDALL HOUSE FARM, NARROW LANE, LOWSONFORD**

The Committee considered an application from Ms Saber for the variation and deletion of conditions imposed on planning permission W98/1384 (construction of exercise track).

This item had been adjourned the previous evening (Tuesday 20<sup>th</sup> March) to allow for clarification of the exact route of the exercise track. (See minute number 195). Additional papers were distributed by officers clarifying the route and the Committee were satisfied with the content.

Following consideration of the report and presentation, along with representations made at the previous evening's 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 W10/0035 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;

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

- (2) the use of the exercise track shall be carried on only by the owners of Sandall House Farm and shall be restricted to horses permanently stabled at the premises. **REASON:** To ensure there is no increase in vehicle movements to the site in this rural location, in accordance with Policy DP7 of the Warwick District Local Plan 1996-2011; and
- (3) the use of the exercise track for the purposes hereby permitted shall be restricted to the hours of 0600 to 1200 Monday to Saturday and at no time on Sundays. **REASON:** To protect the amenity of nearby residents, in accordance with Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011.

### **210. W11/0804 – 2 CHURCH STREET, BARFORD, WARWICK**

The Committee considered an application from Ms D Hope for the demolition of the existing property with a proposed replacement 2 bedroom dwelling, together with an additional 2 bedroom dwelling to the rear.

The application was presented to the Committee because it was recommended for approval, contrary to the views of the Parish Council who felt that there would be an impact on parking, access and highway safety. In addition, they had concerns that the development did not comply with the Barford Village Design Statement.

The application was deferred at Planning Committee on the 28 February 2012, to enable negotiations regarding the scheme to take place. The applicant was asked to consider extending the five year period that the additional dwelling would be offered as affordable.

The agent submitted a statement detailed fully in the papers explaining the reasons for the restriction and advising that the client would be subsidising a rent to enable a young couple to remain in the village. The report in front of the Committee was the same as that presented previously.

The case officer considered the following policies to be relevant:

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

Barford Village Design Guide (2009)

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

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

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

Sustainable Buildings (Supplementary Planning Document - December 2008)

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

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

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

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)  
RAP3 - Replacement Dwellings (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
Open Space (Supplementary Planning Document - June 2009)  
DP5 - Density (Warwick District Local Plan 1996 - 2011)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)  
RAP4 - Providing Rural Affordable Housing (Warwick District Local Plan 1996 - 2011)  
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)

It was the case officer's opinion that the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located, highway safety, the amenity of any neighbouring dwellings, or serious harm to the health of the protected Cedar tree.

The size, siting, and relationship to surrounding buildings and the Conservation Area, and the need for affordable housing and housing generally within the District, were considered to constitute special justification to warrant granting planning permission contrary to Policies RAP1 and RAP4.

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

**RESOLVED** that item W11/080\$ 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 and approved drawing(s) (4587.10A & 4567.11A submitted on 4 August 2011; 4567.12 & 4567.13A submitted on 11 November 2011), and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory

## PLANNING COMMITTEE MINUTES (Continued)

form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) prior to any development or demolition commencing a method statement detailing the means by which those buildings to be demolished will be demolished must be submitted to and approved in writing by the Local Planning Authority. Particular attention is to be paid to the way in which damage to the protected tree or its root system is to be avoided. All work is to be carried out strictly in accordance with the submitted and approved method statement. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

- (4) prior to any development or demolition commencing there shall be submitted to and approved in writing by the Local Planning Authority:

- Details of existing and proposed finished levels beneath the canopy of the protected tree.
- Details of the construction of the proposed 'no dig' permeable driveway, including detailed cross sections, full details of all materials to be used and details of the method of construction to be employed.

All work is to be carried out strictly in accordance with the details submitted and approved.

**REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

- (5) prior to any development or demolition commencing there shall be submitted to and approved in writing by the Local Planning Authority details of all measures to be taken to prevent damage to the protected tree, including:

- Details of the position and nature of protective fencing to be erected around the protective tree.

## PLANNING COMMITTEE MINUTES (Continued)

- Details of which operations will be prohibited within the protective fencing.
- Details of timing of erection and of removal of the protective fencing around the protected tree.
- Details of the means of ingress and egress for construction traffic.
- Details of the locations where materials will be stored during construction, which must not be within the protective fencing.
- Details of the routes of any underground services, including drainage, power, water and communications, and, where those come within 10m of the protected tree details of the means by which they will be installed.
- Details of all landscaping work to be carried out within 10m of the protected tree.

All work to be carried out in accordance with the details submitted and approved.

**REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

- (6) no development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011;
- (7) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a suitable bound material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON** : In the interests of

## PLANNING COMMITTEE MINUTES (Continued)

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

- (8) the development shall not be commenced until an access for vehicles has been provided to the site not less than 5 metres in width at any point for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (9) the access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (10) gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (11) the access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (12) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A, B, E or F of Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To retain control over future development of the premises in the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

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

- (13) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (14) the proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011; and
- (15) the area indicated on the plans hereby approved for vehicle parking and manoeuvring space shall at all times be kept free of obstruction and be available for those purposes. **REASON** : To ensure that adequate parking and turning facilities are retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

### **211. W11/0805 CA – 2 CHURCH STREET, BARFORD, WARWICK**

The Committee considered an application from Ms D Hope for the demolition of the existing property at No 2 Church Street. This item was taken in conjunction with application W11/0804.

The application was presented to the Committee because the related application was recommended for approval, contrary to the view of Barford Parish Council and was contrary to Local Plan Policy RAP1.

The application was deferred at Planning Committee on the 28 February 2012, to enable negotiations regarding the scheme take place on the associated application reference W11/0804 for the redevelopment of the site.

The applicant was asked to consider extending the 5 year period that the additional dwelling will be offered as affordable. The agent submitted a

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

statement, and the report before the committee was the same as that presented previously.

The case officer considered the following policies to be relevant:

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

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

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

An addendum was circulated prior to the meeting advising that an additional neighbour had made objections.

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

**RESOLVED** that item W11/0805 CA 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 demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under W/11/0804 has been made. **REASON** : To avoid the creation of an unsightly gap within the Conservation Area, in order to satisfy the requirements of DAP8 of the Warwick District Local Plan 1996-2011.

### **212. W11/1337 LB – 40 TREDINGTON PARK, HATTON PARK, WARWICK**

The Committee considered an application from Ms Mulliner for the erection of a rear lean-to conservatory, the insertion of two rear dormer windows and one front roof light and internal alterations.

The application was presented to the Committee because an objection had been received from Hatton Parish Council who felt that the roofline should remain unbroken and any changes to the face of the building would damage the Grade II status.

The case officer considered the following policies to be relevant:

## PLANNING COMMITTEE MINUTES (Continued)

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

Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)

It was the case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building 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, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendation.

**RESOLVED** that item W11/1337 LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (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 drawings 1963-02F, and specification contained therein, submitted on 17th November, 2011 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows, dormer windows and roof light (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to

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

satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

### **213. W11/1668 – NORTH LEAMINGTON SCHOOL, PARK ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from A C Lloyd (Builders) Ltd for a minor material amendment to planning permission W/10/1250 for the demolition of existing school buildings and construction of 53 new houses and 5 apartments with access road infrastructure and 'open space' facilities. The proposed amendments related to various plots and included the following changes: revised orientation of houses; provision of additional garages; substitution of garages for car ports; addition of extensions; and alteration to design details and roof pitches (all plots).

The application was presented to the Committee because it was recommended that permission be granted subject to the completion of a legal agreement.

The case officer considered the following policies to be relevant:

SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP5 - Density (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)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)  
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
Affordable Housing (Supplementary Planning Document - January 2008)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Open Space (Supplementary Planning Document - June 2009)  
Vehicle Parking Standards (Supplementary Planning Document)  
Planning Policy Guidance 2 : Green Belts

It was the case officer's opinion that the use of the site for residential purposes was an acceptable land use for this former school site and the submitted scheme achieved acceptable standards of layout and design. Furthermore, there were considered to be no harmful effects in terms of traffic or other site specific impacts which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

An addendum was circulated at the meeting which recommended an additional condition to secure the removal of permitted development rights for alterations and extensions to the three properties in the south-eastern cover of the site adjacent to 10 Garway Close.

## PLANNING COMMITTEE MINUTES (Continued)

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

**RESOLVED** that item W11/1668 be GRANTED subject to the satisfactory conclusion of a Section 106 agreement to cover the same matters as the Section 106 agreement associated with the existing planning permission (i.e. to secure the affordable housing element and the sums of money necessary for education and library facilities and additional policing infrastructure), and subject to the conditions listed below:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) subject to condition 3 below, the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 1320/09M, 1320-BR-110E, 1320-BR-112B, 1320-BR-114B, 1320-BR-116B, 1320-BR-118B, 1320-BR-120B, 1320-BR-122B, 1320-BR-124B, 1320-BR-126B, 1320-BR-128B, 1320-BR-133B, 1320-BR-136B, 1320-BR-138B, 1320-BR-145A & 1320-BR-146B, submitted on 28 December 2011 & 27 February 2012, and approved drawings 1320/11A, 1320/12A, 1320/16 & 1320/17 that were submitted on 22 September 2010 in association with planning application no. W10/1250, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) notwithstanding the landscaping details shown on drawing 1320/09M, a landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the

## PLANNING COMMITTEE MINUTES (Continued)

first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (4) prior to commencement of the development on the site, excluding the associated demolition works, the developer is required to carry out the junction improvement works in general accordance with the details as shown on drawing no. 202-3 that was approved under planning permission no. W10/1250. **REASON:** In the interests of highway safety and to meet the requirements of policy DP6 of the Warwick District Local Plan 1996-2011;
- (5) prior to first occupation, the applicant / developer is required to provide each dwelling with sustainable welcome packs to help promote sustainable travel in the local area. The contents of the sustainable travel packs shall first be agreed in writing with the Local Planning Authority following consultation with the Highway Authority. **REASON:** In the interests of highway safety and to meet the requirements of policy DP6 of the Warwick District Local Plan 1996-2011;
- (6) before the development hereby permitted is begun, the further written approval of the District Planning Authority shall be obtained for details of the design and construction of the estate roads and footways serving the development. These details shall include large scale plans and cross and longitudinal sections, showing design, layout, construction of the estate together with surface water drainage to outfall. **REASON** : To ensure compliance with the Council's standards, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (7) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (8) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan for the proposed open space areas within the site has been submitted to and approved in writing by the District Planning Authority. The plan should also include details of habitat creation measures including creation and management of bat roosting opportunities (e.g. setting up bat boxes), nesting bird opportunities (e.g. setting up bird boxes), creating areas of wild flower grasslands (including the protection of the existing rare plant species on site), as well as details of managing the whole site for wildlife. It should also include details of enhancement of existing habitat – in particular supplementary planting of suitable buffer zones with appropriate native species. Details of species used and sourcing of plants should be included. The plan should also include details of long-term monitoring of the site, including further species-specific monitoring surveys such as an additional bat survey 1 year after completion of works. Such approved measures shall thereafter be implemented in full and the open space areas shall be retained as such at all times thereafter. **REASON:** To ensure a net biodiversity gain in accordance with PPS9 and Warwick DC Policy DP3;
- (9) no work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District

## PLANNING COMMITTEE MINUTES (Continued)

Local Plan 1996-2011;

- (10) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety;
- (11) no dwelling shall be occupied until the estate road including footways serving it has been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **REASON:** In the interests of highway safety and to meet the requirements of policy DP6 of the Warwick District Local Plan 1996-2011;
- (12) the development shall be carried out in accordance with the facing material details that were submitted on 14 October 2011 to discharge Condition 4 of planning permission no. W10/1250, unless agreed otherwise in writing by the District Planning Authority. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (13) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme approved under planning permission no. W10/1250 has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and
- (14) with regard to the dwellings on plots 28, 29 & 30, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or

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

without modification), no development shall be carried out which comes within Part 1 (Classes A, B, C & E) of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To retain control over future development of the premises in the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

### **214. W12/0140 – 144 PARADE, ROYAL LEAMINGTON SPA**

The Committee considered a retrospective application from Mr A King for the change of use from a shop (Use Class A1) to financial and professional services (Use Class A2).

The application was presented to the Committee because it related to a property and a use that the Committee had recently resolved to take enforcement action against.

The case officer considered the following policies to be relevant:

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

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

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

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

TCP4 - Primary Retail Frontages (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the use preserved the vitality and viability of the town centre and would not harm the character and appearance of the Listed Building or the Conservation Area. The proposal was therefore considered to comply with the policies listed.

An addendum was circulated prior to the meeting advising that Royal Leamington Spa Town Council had raised no objection to the application.

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

#### **RESOLVED** that

- (1) W12/0140 be GRANTED subject to no conditions; and
- (2) authorisation to take enforcement action against the use of the premises for Use Class A2 purposes, be rescinded.

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

### **215. PROPOSED REVISION TO THE CONSERVATION AREA ADVISORY FORUM REPORT**

The Committee considered a report from Development Services which brought forward a proposal for amendments to the Constitution of the Conservation Area Advisory Forum, including establishing a clearly defined purpose.

As part of the Council's Fit for the Future Programme and the Development Services Intervention, officers have been reviewing the role and operation of the Conservation Area Advisory Forum (CAAF).

A design team was established involving officers from Development Services, the Chair of CAAF, the Council's Heritage Champion, Chair of Planning Committee and a representative of CAAF. The team prepared a revised constitution which had been discussed with CAAF and was being put forward for comment, prior to the Executive in April 2012.

The main revisions extended the remit of CAAF to provide advice to developers at pre-application stage, and covered the historic environment within Warwick District (not just the town Conservation Areas as at present). This broadened remit meant a greater focus on those proposals which had the greatest potential impact on the historic environment, and on proposals where the Council needed their expertise and advice.

An alternative option was to continue with the existing constitution, however, this would not provide a clear purpose for CAAF or deliver the benefits for new development in terms of providing expert advice at pre application stage or in helping to protect and enhance the historic environment of the District beyond the towns.

Following consideration of the report and presentation the Committee was of the opinion that the recommendations should be agreed with two minor alterations to the remit.

**RESOLVED** that the proposed constitution for the Conservation Area Advisory Forum attached as Appendix One to the report be submitted to the Executive for approval, including the alterations highlighted.

### **215. APPEAL UPDATE REPORT**

The Committee received a report from development Services which detailed the appeal decisions issued between 1 April 2011 and 8 March 2012. All appeals with decisions issued within this period had been included except for high hedges and tree appeals.

Members noted that officers intended to produce an updated report to the next committee to cover the whole of the period up to 31 March which would be useful to be able to make comparisons with previous years.

There were a number of appendices attached to the report detailing planning appeals allowed and dismissed, as well as split decisions, enforcement appeal decisions and appeals withdrawn.

**PLANNING COMMITTEE MINUTES (Continued)**

**RESOLVED** that

- (1) the report be noted; and
- (2) a seminar be held for the Committee at the conclusion on the next Planning Committee regarding appeals work by the Council.

216. **MR S WALLSGROVE**

At the conclusion of the meeting the Chairman requested that the Committee's formal thanks be recorded to Senior Planner, Mr Steven Wallsgrove, who was due to be retiring in April 2012. This was his last Planning Committee meeting and the members thanked him for all his hard work and good advice over the years.

(The meeting ended at 10.25 pm)