

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 17 September 2008 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor MacKay (Chairman); Councillors Barrott, Mrs Blacklock, Copping, Davies, Dhillon, Edwards, Mrs Higgins, Illingworth and Mobbs.

Councillor Mobbs substituted for Councillor Rhead.

419. **DECLARATIONS OF INTEREST**

Minute Number 423 – Petrol Filling Station, 54 Stratford Road, Warwick

Councillor Higgins declared a personal interest because the filling station was in her ward.

Minute Number 424 - 39 Arthur Street, Kenilworth

Councillor Mobbs declared a personal interest because although he was Ward Councillor for the application site, he had not been involved in meetings relating to the application.

Minute Number 427 - 5 Freshwater Grove, Sydenham, Leamington Spa

All members of the Committee declared personal interests by virtue of the applicant being an employee of Warwick District Council.

Councillors Barrott and Edwards also declared personal interests as Ward Councillors.

Minute Number 428 - 1-2 The Shopping Centre, St Margarets Road, Leamington Spa

Councillors noted that the land of application site in question was Warwick District Council owned.

Councillor Copping declared a personal interest by virtue of having attended the opening ceremony.

Minute Number 438 - 5 Angless Way, Kenilworth

Councillor Mobbs declared a personal interest because although he was Ward Councillor for the application site, he had not been involved in meetings relating to the application.

Councillor Mrs Blacklock requested Officer advice on whether it was necessary to declare interests in agenda items 8, 9 & 10, and subsequently chose not to declare interests except where indicated above.

PLANNING COMMITTEE MINUTES (Continued)

420. 56 BEDFORD STREET, LEAMINGTON SPA

The Committee considered an application from Newcycle Investments for the demolition of an existing single storey retail unit and construction of an 81 bedroom hotel (incorporating restaurant and bar area) and retail unit.

The application was presented to the Committee due to the receipt of more than 5 objections.

An addendum circulated at the meeting gave details of further letters of objection, a petition with 61 signatures, comments from the Council's Head of Neighbourhood Services and amended plans submitted by the applicant on 12 September which showed the use of angled windows to the north elevation of the main block of 3 storey hotel bedrooms and the addition of a pitched roof detail to the former 2 storey 'link' block. This enabled the addition of a further bedroom (giving a total of 82) and a corridor at the second floor level to link all the bedrooms at that level.

A site visit had taken place on 13 September 2008 to allow Councillors to see the site before determining the application.

The Head of Planning considered the following policies to be relevant to the application:

Government Advice on 'planning for town centres' is contained on PPS6 (a draft revision for this has been published.

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

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

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

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

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

UAP8 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)

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

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

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

The following people addressed the Committee:

Father John Cross Objector

Carol Sleight Objector

Ian Allington Applicant

Councillor Bob Crowther Ward Councillor (objecting)

In the opinion of the Head of Planning, the scheme would introduce acceptable land uses which would add to the attractiveness and vitality of the town centre in a building which would positively contribute to the streetscene in Augusta Place and Bedford Street. The Officer did not consider that the objections received had raised issues which would justify the refusal of this application. The proposal was therefore considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

In light of the revisions to the application detailed in the addendum, the Head of Planning recommended that condition 2 be amended to relate to the amended plans (22.04M, 22.04J, 22.04C(G) and 22.04D(A)) and condition 23 be amended to also include that the proposed panes of glass to the hotel bedrooms in the new angled windows which face north-west towards the school are glazed with obscure glass and are non-opening.

Following consideration of the Officers' report and presentation, along with the information contained within the addendum and representations from the public addressing the meeting, the Committee were minded to refuse the application contrary to the Officers' recommendation.

A vote in favour of refusal was proposed and duly seconded and was carried by 7 votes to 1 against, with 2 abstaining.

The Committee then took a vote on whether to include safety as a reason for refusal, with 7 voting in favour of its inclusion.

Finally, the Committee voted in support of the reasons for refusal, with 8 in favour.

RESOLVED that application W08/0926 be REFUSED for the reasons given below:

- (1) Policy D1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design, whilst Policy DP2 of that Plan states new development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses.

In the opinion of the District Planning Authority the proposed development would be seriously detrimental to the amenities of the adjacent primary school by reason of its close proximity to the school, its bulk and the consequent overbearing effect and loss of light to the school and playground.

The proposal would therefore be contrary to the aforementioned policies; and

- (2) Policy DP6 of the Warwick District Local Plan 1996-2011 states new development will only be permitted which does not cause harm to highway safety.

In the opinion of the District Planning Authority, the operation of the proposed hotel which would not benefit from any on-site car parking or a

PLANNING COMMITTEE MINUTES (Continued)

drop-off/pick-up facility and which would be sited adjacent to a primary school, would be likely to cause conflicting vehicular movements and congestion with school traffic displaced from the existing open car park site on which the hotel would be built, thereby having significant adverse safety implications for parents and children attending the adjacent primary school.

The proposal would therefore be contrary to the aforementioned policy.

421. **146 LANDOR ROAD, WHITNASH**

The Committee considered an application from Mr P Townsend for the erection of a single storey rear extension.

The application had been requested to be presented to the Committee by Councillor Kirton.

The Head of Planning considered the following policies to be relevant to the application:

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

The following person addressed the Committee:

Mr Bethell

Objector

In the opinion of the Head of Planning, the proposed extension was of an appropriate scale to the main house, was well designed and would not be visible from any public vantage points and therefore have no impact on the surrounding area. As amended, the proposed extension would not be so harmful to the living conditions of the occupiers of the neighbouring property in terms of light and outlook such as to warrant a refusal of planning permission, and was therefore considered to comply with the policies listed.

Following consideration of the Officers' report and presentation, and representation from a member of the public addressing the meeting, the Committee were of the opinion that the application should be deferred to allow the objector time to consider the impact of the amended plans and, if he then withdrew his objection, that it be dealt with under delegated powers.

RESOLVED that application W08/1072 be DEFERRED in order to allow the objector time to consider the amended plans and, if he wishes to withdraw his objection, that the application then be dealt with under delegated powers.

PLANNING COMMITTEE MINUTES (Continued)

422. 1 – 12, ST MARGARETS HOUSE, CHURCH CLOSE, WHITNASH

The application was withdrawn from the agenda to allow for further negotiations.

423. PETROL FILLING STATION, 54 STRATFORD ROAD, WARWICK

The Committee considered an application from Shell UK Oil Products Limited for the erection of a free standing totem sign (revised design to W08/0533).

The application was presented to the Committee due to an objection from Warwick Town Council having been received. However, an addendum circulated at the meeting stated that the Town Council had subsequently withdrawn its objection.

The Head of Planning considered the following policies to be relevant to the application:

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

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

In the opinion of the Head of Planning, the amended plans were acceptable and would not have a negative impact on the street scene. The amended plans complied with the Council's 'rule of thumb' to permit this type of sign where it was not taller than the canopy over the petrol pumps.

Following consideration of the Officers' report and presentation, along with the information contained within the addendum, the Committee were of the opinion that the application should be granted, in line with the Officers' recommendation.

RESOLVED that application W08/0853 be GRANTED subject to the development hereby permitted being carried out strictly in accordance with the details shown on the approved drawing(s) and specification contained therein, submitted on 4th September 2008 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.

424. 39 ARTHUR STREET, KENILWORTH

The Committee considered an application from Mr N Orton for the erection of a two-storey rear extension.

The application was presented to the Committee due to an objection from Kenilworth Town Council having been received.

PLANNING COMMITTEE MINUTES (Continued)

The Head of Planning considered the following policies to be relevant to the application:

The 45 Degree Guideline (Supplementary Planning Guidance)

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

DP10 - Flooding (Warwick District Local Plan 1996 - 2011)

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

In the opinion of the Head of Planning, the amended application as proposed would not cause harm to the adjoining neighbour by reason of loss of direct sun-light or constitute an unneighbourly form of over development, particularly bearing in mind the existence and location of the current outbuilding and the outlook from the neighbour's window. The amended application also included a submission of details confirming that floor levels within the proposed development would be set no lower than existing levels and that flood proofing had been incorporated where appropriate. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that application W08/0877 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) NWO001 Rev 1 & 2 ,NWO002 Rev 1 & 2 and specification contained therein, submitted on 01/08/2008 unless first agreed otherwise in writing by the District Planning Authority.
REASON: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

425. WELCUM, OLD WARWICK ROAD, ROWINGTON

The Committee considered an application from Mr Gaffey for the erection of a two storey side extension and single storey rear extension to an existing semi-detached property.

The application was presented to the Committee due to the proposed extensions being contrary to Policy RAP2 of the Warwick District Local Plan 1996-2011.

An addendum circulated at the meeting stated that one neighbour supported the proposals but had commented on the height of Leylandii trees adjacent to the property.

The Head of Planning considered the following policies to be relevant to the application:

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

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

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

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

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

In the opinion of the Head of Planning, as the other half of the pair of dwellings had already been very substantially extended in excess of guidelines and the present proposals designed to 're-balance' the pair of houses and, as such, could be said to protect the character of the area, it was considered that these factors justified granting consent contrary to current policy as set out in RAP2.

Following consideration of the Officers' report and presentation, along with the information contained within the addendum, the Committee were of the opinion that the application should be granted, in line with the Officers' recommendation.

RESOLVED that application W08/1021 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; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 28JG/04, /05, /06A & /08A and specification contained therein, submitted on 17th July and 26th August 2008 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For

PLANNING COMMITTEE MINUTES (Continued)

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.

426. 61 GREVILLE SMITH AVENUE, WHITNASH

The Committee considered an application from Mr & Mrs Sparkes for a proposed triple garage to the rear of the property and rebuilding of the existing garage to form a sun room.

The application was presented to the Committee due to an objection from Whitnash Town Council having been received.

The Head of Planning considered the following policies to be relevant to the application:

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

In the opinion of the Head of Planning, the proposed new building would not result in unacceptable harm to the streetscene or, as amended, significantly overlook neighbouring gardens. The rebuilding of the existing garage would not result in harm to neighbours, and the proposal was therefore considered to comply with the policies listed.

It was proposed and duly seconded that the application be deferred to allow for a site visit. There were four votes in favour and six against, and so the proposal was lost.

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

RESOLVED that application W08/1046 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number 1894/2, 1894/3 and 1894/4, and specification contained therein, submitted on 14 July 2008 and 4 September 2008 unless first agreed otherwise in writing by the District Planning

PLANNING COMMITTEE MINUTES (Continued)

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

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) the first floor window and door in the rear elevation of the garage hereby permitted shall be obscure glazed and retained as such at all times thereafter. **REASON:** To protect the amenity of the occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and
- (5) 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 rear elevation of the garage. **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.

427. 5 FRESHWATER GROVE, SYDENHAM, LEAMINGTON SPA

The Committee considered an application from Mr S Sangha for the erection of a double garage after demolition of the existing single garage (retrospective application).

The application was presented to the Committee due to the applicant being an employee of Warwick District Council.

The Head of Planning considered the following policies to be relevant to the application:

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

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

PLANNING COMMITTEE MINUTES (Continued)

In the opinion of the Head of Planning, the application proposal was not out of character with the established layout and design of the estate, and matching materials had been used in its construction allowing it to blend in well with existing buildings. Whilst the proposed structure was larger than the previous garage, given that the presence of garages within rear gardens formed part of the established character of this estate, the proposed structure was not considered to be so harmful to the outlook from neighbouring properties to justify a refusal of planning permission.

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

RESOLVED that application W08/1080 be GRANTED.

428. 1-2 THE SHOPPING CENTRE, ST MARGARETS ROAD, LEAMINGTON SPA

The Committee considered an application from Mr Hussain for a change of use from retail A1 and A5 takeaway to A3 restaurant and A5 takeaway.

The application was presented to the Committee due to an objection having been received from Royal Leamington Spa Town Council and the level of public response.

The Head of Planning considered the following policies to be relevant to the application:

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

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

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

UAP4 - Protecting Local Shopping Centres (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, there was no clear cut policy on which to base a refusal of the application. No restaurant presently existed in this parade of shops and it could be held that a restaurant would both add to the range of services and increase footfall. The adjacent unit already had planning permission to operate as a takeaway, therefore operation of this unit as a restaurant would not cause such additional harm as to warrant refusal. However, the Officer felt that the proposed use of part of the existing Unit 1 as a 'function room' should not be permitted and the hours of opening of the restaurant should be restricted as recommended by the Head of Environmental Health.

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

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W08/0938 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) subject to condition 3 below, the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing 08-05-SKI, and specification contained therein, submitted on 23rd June 2008 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 function room shown on Drawing No. 08-05-SKI shall be used at all times solely for storage purposes and for no other use whatsoever.
REASON: To protect the amenities of nearby residents and to prevent unacceptable noise nuisance and general disturbance in accordance with Policies DP2 and DP9 in the Warwick District Local Plan 1996-2011;
- (4) no development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of noise have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.
REASON: In the interests of the amenities of future occupiers of the building, in accordance with the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (5) details of any air conditioning, ventilation and flue extraction systems including particulars of noise levels shall be submitted to and approved by the Local Planning Authority before any works for their installation commence on site. The development shall not be carried out otherwise than in full accordance with such

PLANNING COMMITTEE MINUTES (Continued)

approved details. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011; and

- (6) the use of the premises as an A3, restaurant, shall be limited to be between the hours of 8 am to 11 pm, on any day, whilst the use of the premises as an 'A5' takeaway shall be limited to be between the hours of 8 am to 11 pm Sundays to Thursdays and 8 am to 12 am on Fridays and Saturday. **REASON:** To protect the amenities of nearby residents and to prevent unacceptable noise nuisance and general disturbance in accordance with Policies DP2 and DP9 in the Warwick District Local Plan 1996-2011.

429. 56 BEDFORD STREET, LEAMINGTON SPA

The Committee considered an application from Newcycle Investments for the demolition of an existing single storey retail unit.

The application was presented to the Committee because it related to application W08/0926 (see minute 420).

The Head of Planning considered the following policy to be relevant to the application:

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

In the opinion of the Head of Planning, consent for the building's demolition should only be granted in the event that planning application W08/0926 was also granted. Earlier in the meeting the Committee had taken the decision to refuse that application, and so the Officer's recommendation became to refuse the application.

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

RESOLVED that application W08/0927 CA be REFUSED for the following reason:

Policy DAP9 of the Warwick District Local Plan 1996-2011 states that consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will bring about a genuine qualitative improvement to the Conservation Area and to the setting of adjacent buildings. Given planning application W08/0926 has been refused planning permission, in the opinion of the

PLANNING COMMITTEE MINUTES (Continued)

District Planning Authority the demolition of this building in the absence of a clear commitment to build an acceptable replacement building would result in the creation of an unsightly gap site to the detriment of the character and appearance of the Conservation Area.

The proposal would therefore be contrary to the aforementioned policy.

430. M P S BUILDERS MERCHANTS LTD, LOCK LANE, WARWICK

The Committee considered an application from MPS Builders Merchants for use of land for the provision of vehicle parking and the storage and construction and distribution of builders merchants materials in association with the use of the existing builders merchants at Lock Lane.

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

The Head of Planning considered the following policies to be relevant to the application:

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)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

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

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

In the opinion of the Head of Planning, the use of the site for the purposes listed was appropriate in policy terms and would not cause any additional detriment to users of Lock Lane.

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

RESOLVED that application W08/0963 be GRANTED, subject to a request that Warwick District Council consider installing a footway at this location, and that the development hereby permitted shall be retained strictly in accordance with the details shown on the approved drawing(s) Block Plan, and specification contained therein, submitted on 25th June 2008 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.

PLANNING COMMITTEE MINUTES (Continued)

431. ADJOURNMENT OF MEETING

The Chairman adjourned the meeting of the Planning Committee held on Wednesday 17 September 2008 to Thursday 18 September 2008 at 6.00pm.

(The meeting adjourned at 9:40pm)

RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday 18 September 2008 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor MacKay (Chairman); Councillors Barrott, Mrs Blacklock, Copping, Davies, Dhillon, Edwards, Mrs Higgins and Illingworth.

An apology for absence was received from Councillor Mobbs.

432. 46-48 BEDFORD STREET, LEAMINGTON SPA

The Committee considered a retrospective application from Leamington Property Partnership for the removal of part of a roof.

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council.

An addendum circulated at the meeting informed the Committee that the applicant had withdrawn the application. However, the report also sought authority to take enforcement action, which the Committee considered.

The Head of Planning considered the following policies to be relevant to the application:

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

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

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

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

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

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

Following consideration of the Officers' report and presentation, along with the information contained within the addendum, the Committee were of the opinion that appropriate enforcement action be authorised.

RESOLVED that enforcement action be authorised, to require the roof to be reinstated in its former state, with a compliance period of 3 months.

433. 46-48 BEDFORD STREET, LEAMINGTON SPA

The Committee considered a retrospective application from Leamington Property Partnership for alterations including removal of part of a roof, removal

PLANNING COMMITTEE MINUTES (Continued)

of internal stud walls, blocking up of internal doorways and construction of new internal walls.

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council.

Further comments from the applicant were detailed in an addendum circulated at the meeting.

The Head of Planning considered the following policy to be relevant to the application:

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

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

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

In the opinion of the Head of Planning, works to the roof had caused unacceptable harm to the character and appearance of the listed building and the conservation area. Additionally, the removal of a wall between the new outdoor area and the pool area, and the insertion of a wall between the pool and Jacuzzi, detracted from the historic proportions of the former racquets court, causing unacceptable harm in particular because the building was listed due to the historical significance of the racquets court. Other aspects of the proposals were considered acceptable and had not adversely affected the character and appearance of the listed building or affected the historic proportions of the racquets court.

Following consideration of the Officers' report and presentation, along with the information contained within the addendum, the Committee were of the opinion that the application should be refused and enforcement action authorised, in line with the Officers' recommendation.

RESOLVED that

- (1) application W08/0971LB be REFUSED for the reasons listed below:

The application relates to a Grade II Listed Building situated within the Leamington Spa Conservation Area.

Policy DAP4 of the Warwick District Local Plan states that consent will not be granted to alter or extend a Listed Building where those works will adversely affect its special architectural or historic interest, integrity or setting. Meanwhile, Policy DAP8 states that development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas.

PLANNING COMMITTEE MINUTES (Continued)

The works to remove part of the roof have left the frame of the roof intact, while removing the roof covering. This exposure of the internal roof construction has given the building the appearance of being part-built. In the opinion of the District Planning Authority, this part of the building now represents an incongruous feature on the rear of this listed building. Therefore it is considered that the partial removal of the roof has caused unacceptable harm to the character and appearance of the listed building and the conservation area.

The former racquets court within the application property is an early example of a covered racquets court, associated with a 'real tennis' club of national renown. In the opinion of the District Planning Authority, the removal of the wall between the new outdoor area and the former racquets court has detracted from the historic proportions of the former racquets court. Furthermore, it is considered that the insertion of a new section of wall within the racquets court has also detracted from the historic proportions of the former racquets court because it has further compartmentalised this space. Therefore it is considered that these changes to the area of the former racquets court have caused unacceptable harm to the character and appearance of the listed building. This is of particular concern because the building was listed due to the historical significance of the racquets court.

The proposal is therefore considered to be contrary to the objectives of the aforementioned policies; and

- (2) Listed Building Enforcement Action be authorised, to require the following, with a compliance period of 3 months:
 - (i) the roof to be reinstated in its former state;
 - (ii) the wall between the new outdoor area and the former racquets court to be reinstated; and
 - (iii) the new wall at the eastern end of the former racquets court, between the swimming pool and the jacuzzi, to be removed.

434. ZETLAND ARMS, 11 CHURCH STREET, WARWICK

The Committee considered an application from Leavor Taverns Ltd for internal alterations and the addition of an external metal flue at the rear of the building.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to the Committee due to an objection received from Warwick Town Council. However, an addendum circulated at the meeting stated that the objection had subsequently been withdrawn.

The Head of Planning considered the following policies to be relevant to the application:

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)

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

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

In the opinion of the Head of Planning, the amended plans would not negatively impact on the Conservation Area as the flue would be screened from the back garden by the existing chimney, hidden from the street by the main roof and painted black. Its visual impact would therefore be very limited. The Environmental Health Officer was satisfied that adequate controls could be imposed on the equipment to ensure that possible problems were properly controlled. Internal alterations did not require planning permission. The proposal was therefore considered to comply with the policies listed.

Following consideration of the Officers' report and presentation, along with the information contained within the addendum, the Committee were of the opinion that the application should be granted, in line with the Officers' recommendation.

RESOLVED that application W08/1025 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 2182-01 Rev. A, and specification contained therein, submitted on 5th September 2008 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

PLANNING COMMITTEE MINUTES (Continued)

- (3) no development shall be carried out on the site which is the subject of this permission, until details of extract system, including proposals to control odour and noise 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:** To ensure that the amenities of neighbouring properties are protected in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

435. ZETLAND ARMS, 11 CHURCH STREET, WARWICK

The Committee considered an application from Leavor Taverns Ltd for internal alterations, and addition of an external metal flue at the rear of the building.

The application was presented to the Committee due to an objection received from Warwick Town Council. However, an addendum circulated at the meeting stated that the objection had subsequently been withdrawn.

The Head of Planning considered the following policies to be relevant to the application:

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

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

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

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

In the opinion of the Head of Planning, the internal alterations were small and acceptable as they would not materially affect the internal character of the building. The impact of the external flue would be minimal as it would be screened from the back garden by the existing chimney, hidden from the street by the main roof, and painted black so that its visual impact would be very limited. The proposal was therefore considered to comply with the policies listed.

Following consideration of the Officers' report and presentation, along with the information contained within the addendum, the Committee were of the opinion that the application should be granted, in line with the Officers' recommendation.

RESOLVED that application W08/1026 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; and

PLANNING COMMITTEE MINUTES (Continued)

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing 2182-01 Rev. A, and specification contained therein, submitted on 5th September 2008 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.

436. 5 ANGLESS WAY, KENILWORTH

The Committee considered an application from Mr Pater for the erection of a two storey extension.

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

The Head of Planning considered the following policies to be relevant to the application:

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

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

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

In the opinion of the Head of Planning, the design met acceptable standards relating to subservience and would respect the character of the pair of semi-detached dwellings, not causing such demonstrable harm to the established street scene as to reasonably justify refusal of planning permission. The proposal would not cause demonstrable harm to neighbours overlooking the property or in terms of overlooking the neighbouring properties themselves, and was therefore considered to comply with the policies listed.

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

RESOLVED that application W08/1040 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 development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) RR/05/08/01, and specification contained therein, submitted on 14/07/2008 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

437. WARWICK RAILWAY STATION, STATION ROAD, WARWICK

The Committee considered an application from Vodafone for the erection of a 15.26m Vodafone monopole supporting 3 antennas, giving a total height of 17.66m AGL. The proposal included a single 300mm dish antenna to the base of the antenna and a single equipment cabinet, enclosed in a 2.1m palisade fence.

The application was presented to the Committee due to the number of objections made. An addendum circulated at the meeting detailed further objections received subsequent to publication of the agenda, including two letters from residents and comments from the Warwick Society.

The Head of Planning considered the following policies to be relevant to the application:

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

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

SC9 - Telecommunications (Warwick District Local Plan 1996 - 2011)

PPG8 : Telecommunication

In the opinion of the Head of Planning, the mast would not result in unacceptable environmental harm as its chosen location met the relevant 5 conditions set out in the Council's Local Plan policy.

Following consideration of the Officers' report and presentation, along with the information contained within the addendum, the Committee were of the opinion that the application should be granted, in line with the Officers' recommendation.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W08/1123 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; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 60154C_001, 002, 003 & 004, and specification contained therein, submitted on 1st August 2008 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.

438. BRADFIELD HOUSE, RISING LANE, LAPWORTH

The Committee considered a retrospective application from Mr P Hodge for the erection of outbuildings and a porch extension.

The application was presented to the Committee due to an objection received from Lapworth Parish Council.

The Head of Planning considered the following policies to be relevant to the application:

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the present 'porch' represented a very small proportion of the gross floor area of the dwelling and was well below the policy guideline limit of 30% for properties in the Green Belt. The outbuilding was well screened by boundary hedges and trees and was therefore considered to have little impact on the openness of the Green Belt.

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

RESOLVED that application W08/1132 be GRANTED.

PLANNING COMMITTEE MINUTES (Continued)

439. LONGBRIDGE DEPOT, BARFORD ROAD, WARWICK

The Committee considered an application from the Highways Agency for permanent retention of an existing building which had been granted temporary consent through planning permission W2003/1783.

The application was presented to the Committee due to an objection received from Sherbourne Parish Council.

The Head of Planning considered the following policies to be relevant to the application:

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

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

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

In the opinion of the Head of Planning, the building had no material impact on the open countryside as it was located at the back of the compound, between permanent buildings and with a densely planted embankment behind. There was therefore no justification for refusing consent for its permanent retention. The Parish Council had referred to the site as being within a Special Landscape Area, but this was now no longer the case.

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

RESOLVED that application W08/1156 be GRANTED.

440. 'HAPPY GARDEN' CHINESE TAKEAWAY, 8 WEST STREET, WARWICK

The Committee considered a report from the Planning Enforcement Team regarding the illuminated fascia and hanging sign on the premises and unauthorised repainting of timber window frames, door and door frames.

The matter was presented to the Committee in order to request the authorisation of enforcement action.

In May 2006 it was brought to the attention of the Council's Enforcement Section that signage at the premises did not benefit from Listed Building or Advertisement Consent. A site visit also established it to be inappropriate in this Conservation Area and also that the window frames, door and door frames had been painted in a bright green colour.

Extensive contact had been made with the owner and the situation fully explained but the matter had not been resolved. The service of an Enforcement Notice was now considered to be the only option available to require the removal of the signage.

The Head of Planning considered the following policies to be relevant:

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

Following consideration of the officers' report and presentation, the Committee were of the opinion that appropriate enforcement action be authorised.

RESOLVED that officers be authorised to proceed with appropriate enforcement action requiring that the timber window frames, doors and door frames be painted white and the facade and hanging sign be removed, with a compliance period of 2 months.

441. **'BEEN' RESTAURANT, 29 CHANDOS STREET, LEAMINGTON SPA**

The Committee considered a report from the Planning Enforcement Team regarding the unauthorised installation of a rear fume extraction system.

The matter was presented to the Committee in order to request the authorisation of enforcement action.

In February 2008 it was brought to the attention of the Council's Enforcement Section that a fume extraction system flue had been installed on the rear elevation of this property. By reason of its location, height, bulk and metallic design, the flue had a detrimental impact on the street scene as it failed to preserve or enhance the character or appearance of the Leamington Spa Conservation Area. Contact had been made with the owner who had not responded to advice from the Conservation Architect and the matter had therefore not been resolved.

The service of an Enforcement Notice was now considered to be the only option available to resolve this issue.

The Head of Planning considered the following policies to be relevant:
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

Following consideration of the officers' report and presentation, the Committee were of the opinion that appropriate enforcement action be authorised.

RESOLVED that officers be authorised to proceed with appropriate enforcement action requiring the removal of the unauthorised flue, with a compliance period of 3 months.

(The meeting ended at 7.10pm)