

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 10 December 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 Rhead.

669. **DECLARATIONS OF INTEREST**

Minute Number 671 & 672 Stoneleigh Abbey Riding School, Stoneleigh Abbey, Kenilworth

Councillor MacKay declared a personal interest because he was Ward Councillor for the application site.

Minute Number 674 & 675 – 2 Gerrard Street, Warwick

Councillor Mrs Higgins declared a personal interest because some of the objectors were known to her.

Minute Number 676– Bus Stop, Coventry Road/opposite Station Road Warwick

Councillor Dhillon declared a personal interest because he was Ward Councillor for the application site.

Minute Number 678 – IBM Site, Birmingham Road, Warwick

Councillor Dhillon declared a personal interest because he was Ward Councillor for the application site.

Minute Number 680 – 4 Ladbrooke Park, Millers Road, Warwick

Councillor Dhillon declared a personal interest because he was Ward Councillor for the application site.

670. **MINUTES**

The minutes of the meetings held on 7 and 29 October 2008 were taken as read and signed by the Chairman as a correct record.

671. **STONELEIGH ABBEY RIDING SCHOOL, STONELEIGH ABBEY, KENILWORTH**

The Committee considered an application from Stoneleigh Abbey Limited for the change of use from conference/banqueting suite to offices.

The application was submitted to Committee for determination because of the number of objections that had been received.

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)

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

DAP11 - Protecting Historic Parks and Gardens (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)

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

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

RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)

RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

The Head of Planning summarised the application that whilst the office use of the building exceeded the small scale employment uses permissible in rural areas under policy RAP6, the he was satisfied that the proposals helped to secure other policy objectives relating to the protection and restoration of listed buildings and did not give rise to other unacceptable effects which would warrant a refusal of permission.

The following addressed the Committee:

The Hon Mrs D Jack – Objector

Mr P Frampton – Supporter

Following consideration of the officers report and presentation along with the representations from members of the public addressing the Committee, the Committee were of the opinion that they would benefit from a site visit before determining the application.

RESOLVED that application W08/0979 be deferred to allow for a site visit to take place, because the Committee thought this would be of significant benefit to them when determining the application.

672. **STONELEIGH ABBEY RIDING SCHOOL, STONELEIGH ABBEY, KENILWORTH**

The Committee considered an application from Stoneleigh Abbey Limited for the installation of mezzanine floor and external door.

Following the decision by the Committee, regarding the linked application W08/0979, to defer it for a site visit, the Committee were of the opinion that this application should also be deferred for a site visit because it was integral to application W08/0979.

RESOLVED that application W08/0980LB be DEFERRED to allow for a site visit to take place, because the Committee thought this would be of significant benefit to them when determining the application.

PLANNING COMMITTEE MINUTES (Continued)

673. LILLINGTON FREE CHURCH, CUBBINGTON ROAD, LILLINGTON

The Committee considered an application for the erection of a new church, 34 apartments with associated parking and creation of new access from Cubbington Road.

The application had been considered by Planning Committee on 3 August 2005. The Committee resolved to grant planning permission, subject to the completion of a Section 106 agreement to secure the provision of affordable housing and contributions towards the cost of library and education services. The Section 106 agreement had not been completed and therefore the application was submitted to Committee due to the time that had elapsed since the previous resolution to grant permission. Furthermore, Housing Strategy had now raised concerns about the terms of the affordable housing provision due to changes in the housing market and housing need since the resolution to grant permission in 2005.

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

SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

Affordable Housing (Supplementary Planning Document)

A full assessment of all of the issues relevant to the application was contained within the previous report to Committee in August 2005 which was attached as an appendix to the report. In the opinion of the Head of Planning, the development remained acceptable in principle and therefore the main issue to consider was whether the tenure of the affordable housing remained appropriate.

When Planning Committee resolved to grant planning permission for the proposals in August 2005, the affordable housing provision was for 12 x 2 bedroom shared ownership units. This had been agreed with the Council's Housing Strategy team. A draft Section 106 agreement was sent to the developers in October 2005. The developers held up the negotiation of the agreement until April 2007 due to delays in drawing up a contract with the Church, which needed to go to Committees and obtain trustees approval. In December 2007 the developers met with the Council's Head of Housing Strategy, the Housing Strategy & Development Officer and representatives from Servite Houses and were advised that, due to changes in the housing market and the revised Housing Assessment, the Council was now seeking affordable rented units, rather than shared ownership, and that Servite Houses were looking to purchase additional rented units on the site. The developers had not agreed to amend the affordable housing proposals and therefore the application had been brought back to Committee.

As the developer had not agreed to amend the affordable housing proposals, Housing Strategy recommended that planning permission be refused.

PLANNING COMMITTEE MINUTES (Continued)

Comments from Housing Strategy and the applicant were contained within the report.

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

RESOLVED that application W05/0515 be REFUSED because Policy SC11 of the Warwick District Local Plan states that residential development on sites of 10 or more dwellings will not be permitted unless provision is made for a minimum of 40% affordable housing to meet local needs. Policy SC11 goes on to state that the accommodation provided will be determined on the basis of local need as identified by the Council in accordance with the Housing Strategy and the Housing Needs Study. The Affordable Housing Supplementary Planning Document (January 2008) is based on the results of the Housing Assessment 2006 and states that the Council will require a minimum of 80% social rented housing and a maximum of 20% intermediate housing unless the developer can demonstrate that such a mix is inappropriate on the particular site.

The affordable housing provision that has been proposed for this development comprises 12 shared ownership units. In the opinion of the District Planning Authority, the provision of shared ownership units would not meet the housing need as identified in the Housing Assessment 2006 and therefore it is considered that the proposals fail to make adequate provision for affordable housing.

The proposals are therefore considered to be contrary to the aforementioned policies.

674. 2 GERRARD STREET, WARWICK

The Committee considered an application from Coventry Turned Parts for the erection of a detached house after demolition of the existing buildings.

The application was presented to Committee because an objection had been received from Warwick Town Council.

This application, together with W/08/0941CA was deferred at Planning Committee on the 7 October 2008, for additional information from the Conservation Architect and Warwick District Towns Conservation Area Advisory Forum on structural issues of the development on the adjoining Listed Building namely 4 Gerrard Street.

PLANNING COMMITTEE MINUTES (Continued)

The report submitted to the Committee was the same as that previously reported to Committee on the 7 October 2008 except for additional comments about the submitted structural survey relating to the removal of the front boundary wall and the impact of the development on the boundary wall to the rear of the property adjoining 10 Smith Street.

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)

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

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

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

In the opinion of the Head of Planning, the development would not cause unacceptable harm to the neighbours amenity, the setting of neighbouring Listed Buildings or the architectural and historic character of the Conservation Area within which the site was located. 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 recommendation in the report with the addition of conditions for sustainable energy and for a programme of construction works to be submitted for approval by the DPA before work commences on site.

RESOLVED that application W08/0940 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) 1539-611B, 1539-621A, and specification contained therein, submitted on 20th June 2008 and 17th September 2008 respectively 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)

- (3) before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON:** To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 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 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) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (6) a landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or

PLANNING COMMITTEE MINUTES (Continued)

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 Policy DP1 of the Warwick District Local Plan 1996-2011;

- (7) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (8) 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;
- (9) gates/doors provided for the garage shall not open outwards towards 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;

PLANNING COMMITTEE MINUTES (Continued)

- (10) no development shall be carried out on the site which is the subject of this permission, until details of the method statement for construction 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 protect the physical integrity of the neighbouring Listed Buildings, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (11) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources. 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.

675. 2 GERRARD STREET, WARWICK

The Committee considered an application from Coventry Turned Parts for the demolition of part of the boundary wall.

The application was presented to Committee because an objection had been received from Warwick Town Council.

The application was deferred at Planning Committee on the 7 October 2008, for additional information from the Conservation Architect and Warwick District Towns Conservation Area Advisory Forum on structural issues of the development on the adjoining Listed Building namely 4 Gerrard Street.

The report was the same as that previously reported to Committee on the 7 October 2008 except for additional comments with regard to the submitted structural survey relating to the removal of the front boundary wall and the impact of the development on the boundary wall to the rear of the property adjoining 10 Smith Street.

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

In the opinion of the District Planning Authority, the proposed demolition would not result in harm to the character or appearance of the Conservation Area and the proposal was considered to comply with the policies listed.

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

RESOLVED that application W08/0941CA be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 1539-611A, 1539-611B, and specification contained therein, submitted on 14th July 2008 and 17th September 2008 respectively 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) the demolition of this section of wall shall only be carried out as a single building operation with the construction of the dwelling approved under W20080940. **REASON** : Since consent is only given in order to carry out the approved dwelling and would otherwise be detrimental to the character of the Conservation Area.

676. BUS STOP, COVENTRY ROAD/OPPOSITE STATION ROAD, WARWICK

The Committee considered an application from Clearchannel UK Ltd, for the display of 2 no single sided internally illuminated advertisement panels on proposed cantilevered bus shelter.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee for determination because an objection had been received from Warwick Town 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)

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

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

In the opinion of the Head of Planning, the application complied with the relevant policies.

Following consideration of the Officers' report and presentation, the Committee were of the opinion that the application should be granted, in line with the recommendation of the report but an advisory note should be added with regard to sustainable energy.

RESOLVED that

- (1) application W08/1311 be GRANTED subject to the following conditions:
 - (a) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (Ordnance Survey extract submitted 21 October 2008, 'Insignia Cant III Adv Gbox' and 'Advertising insignia cantilever bus shelter' received on 15 September 2008, 'Proposed Shelter' and 'Insignia reverse cant G-box mounting procedure' received on 10 November 2008) 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;
 - (b) the maximum luminance of the illuminated advertisement panels shall not exceed 800 candellas per sq.m. at any time and glare shall not be created or light allowed to spill onto the public highway from this source. **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.

PLANNING COMMITTEE MINUTES (Continued)

- (2) an advisory note be sent to the applicant drawing their attention to the use of sustainable energy for the lighting.

677. LAPWORTH CROFT, CHURCH LANE, LAPWORTH

The Committee considered an application from Mrs M Heppel for the erection of single storey building to provide living accommodation for applicants elderly parents.

The application was presented to the Committee because an objection had been received from Lapworth 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)

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

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

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

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

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

RESOLVED that application W08/1316 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) 923/06/B, 923/07/A, 923/08/A, and specification contained therein, submitted on 7th November 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)

- (3) this permission authorises the erection of an extension to the existing dwelling and shall not be construed as permitting the erection of a separate dwelling unit. **REASON** : Since the site is in a green belt rural location where new dwellings are not normally permitted unless justified by agricultural need; and
- (4) during destructive works, roofing material should be removed carefully by hand, and **in the presence of a licensed ecologist**. Should any bats be detected during this operation, all work on the building cease and Natural England contacted for advice. **REASON**: To ensure that protected species are not harmed by this development.

678. IBM SITE, BIRMINGHAM ROAD, WARWICK

The Committee considered an application from Mourant & Co Trustees Ltd and Mourant Property Turstees Ltd for the display of 2 non-illuminated double sided, entry signs located on Birmingham Road and Wedgenock Lane.

The application was presented to the Committee because an objection had been received from Warwick Town 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)

In the opinion of the Head of Planning, the application complied with the relevant polices

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

RESOLVED that application W08/1349 be GRANTED subject to the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 05105/0300, drawing 2 v4 & drawing 4 V2, and specification contained therein, submitted on 23 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.

PLANNING COMMITTEE MINUTES (Continued)

679. 1 FERNHILL DRIVE, LEAMINGTON SPA

The Committee considered an application from Mr A Craig for the erection of single storey side extension and two storey rear extension with balcony

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

In the opinion of the Head of Planning, the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that application W08/1378 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 (drawing number 506-003), and specification contained therein, submitted on 26 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.

680. 4 LADBROKE PARK, MILLERS ROAD, WARWICK

The Committee considered an application from Mr M Thwaites for the change of use from taxi office and vehicle storage to mechanical car repair workshop (B2).

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to the Committee because an objection had been received from Warwick Town 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)

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

In the opinion of the Head of Planning, the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of parking which would justify a refusal of permission. 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 W08/1450 be GRANTED subject to 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.

681. THE KLOOF, HOLE HOUSE LANE, LAPWORTH

The Committee considered an application from Mr M Aldaftary for the erection of a detached garage block and work shop with loft storage.

The application was presented to the Committee because an objection had been 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 development did not prejudice the openness and rural character of this green belt area and was 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.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W08/1452 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 08/10/02-02A, 08/10/02-04A and 08/10/02-05A, and specification contained therein, submitted on 25 November 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) 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
- (4) 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 within Part 1 Class B (alterations or additions to a roof) shall be carried out in relation to the outbuilding hereby permitted, without the prior permission of the District Planning Authority. **REASON** : To retain control over future development of the premises in the interests of protecting the rural character of the green belt, and to help meet the objectives of Policy DAP1 of the Warwick District Local Plan 1996-2011.

682. 22 WINDMILL CLOSE, KENILWORTH

The Committee considered an application from Mr P Taylor for the erection of a single storey front extension; two storey rear and side extension and single storey rear extension.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to the Committee because an objection from Kenilworth Town Council had 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)

In the opinion of the Head of Planning, the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

In addition to the report it was reported in the addendum at the meeting that a further objection from a neighbour had been received and Kenilworth Town Council had revised their comments.

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

RESOLVED that application W08/1482 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 amended drawing 08/2725/03C, and specification contained therein, submitted on 20th November, 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) 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)

- (4) the first and second floor windows and roof lights in the South West and south East elevations of the extension hereby permitted shall be obscure glazed and non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed 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.

(Following the meeting it became apparent to officers that an objection letter from the neighbour at no. 21 was received on the day the notification letters that an item would be going to Committee for determination went out, but this objector was not sent one.

In the circumstances we have decided to refer this application back to Planning Committee on 7 January 2009 and send the usual letters to all parties. The decision notice on the application was not sent to the applicant.)

683. FAERIE TALE FARM, ROUNCIL LANE, KENILWORTH

The Committee considered a report with regard to the erection of a timber residential building and associated concrete foundation slab and the stationing of a touring caravan for residential use by the property owner Ms K Vaidya.

In May 2008 it was brought to the attention of the Enforcement Section that works were being undertaken on agricultural land in Rouncil Lane, Kenilworth near to the road ford at Inchford Brook. At that time the works consisted of the erection of fences and the positioning of 3 small timber field shelters.

Contact was made with the land owner and it was established that the land was known as Faerie Tale Farm and that it was the owners intention to use the land for the keeping and breeding of alpacas.

In June 2008, planning applications W08/0862 and W08/0866 were submitted for the erection of a temporary agricultural workers dwelling and for the erection of a general purpose agricultural building in connection with that use.

In July 2008, a touring caravan was stationed on the land with the intention of providing temporary residential accommodation whilst the planning applications were being processed with the justification that alpacas required full time on site supervision.

In September 2008, it was established that ground works had commenced to install a septic tank at the site.

In October 2008, work was undertaken to install a plastic lattice subsurface framework to the access track leading from the existing gated field access in Rouncil Lane to the area of the site being developed.

PLANNING COMMITTEE MINUTES (Continued)

In November 2008, a concrete base was laid for the proposed temporary agricultural dwelling and on 25 November 2008 a site inspection established that a timber building understood to be the building subject to the planning application W08/0862 was in the process of being assembled and positioned on the previously laid concrete foundation slab.

Extensive contact has been made with the owner by development control and enforcement officers and the owner has been given repeated consistent advice that the development should not continue until the relevant planning consents have been obtained.

Planning were satisfied that the owner fully understands the requirements of the planning legislation, the relevant planning policies and guidelines, but nevertheless was continuing with development at the site without the required permissions.

The service of an Enforcement Notice was now the only option available to resolve this matter in relation to the current breaches of planning control which were the agricultural dwelling and hardstanding and the stationing of a residential caravan.

In view of further work on the unauthorised development being undertaken on the site since the publication of the committee report, a revised recommendation including reference to authority to serve stop notices was submitted to the Committee in the addendum at the meeting, which the Committee agreed .

RESOLVED that:

- (1) officers be authorised to take appropriate enforcement action directed at the cessation of the construction and use of the residential building and the agricultural building and its concrete foundation slab by means of the issue of Temporary Stop Notices and Stop Notices.
- (2) officers be authorised to take appropriate enforcement action directed at the removal of the residential building and its concrete foundation slab and the agricultural building and its concrete foundation slab and the cessation of any use of those buildings by means of the issue of Enforcement Notices with compliance periods of 3 months.
- (3) officers be authorised to take appropriate enforcement action directed at the cessation of the stationing of a residential caravan at the land by means of the issue of Temporary Stop Notice, a Stop Notice and the issue of an Enforcement Notice with a compliance period of 3 months.

PLANNING COMMITTEE MINUTES (Continued)

684. 5 MALLORY ROAD, BISHOPS TACHBROOK, LEAMINGTON SPA

The Committee considered a report from the Planning Enforcement Team with regard to the unauthorised installation of double glazed false leaded glass window panes.

In January 2008 it was brought to the attention of the Enforcement Section that new timber framed windows had been installed at ground floor and first floor levels in this Listed Building including double glazed false leaded glass window panes.

Prior to that, listed building consent was granted on 13 November 2007 [W07/1019LB] for the replacement of windows and doors at the property subject to a condition requiring the submission of large scale details of the replacement features, which prior to the work subsequently being undertaken, were not submitted or approved.

The matter had been considered in conjunction with the Conservation Officer following which contact was made with the owner and he was advised that whilst the timber frames were considered to be acceptable the double glazed false leaded glass panes were not.

In addition to the report a comment had been received from Bishop's Tachbrook Parish Council supporting the recommendation in the report, subject to a revised compliance period of six months.

RESOLVED that Officers be authorised to take appropriate enforcement action directed at the removal of the double glazed, false leaded window panes in the front elevation of the building and replacement with appropriate single glazed unleaded glass panes with a period of compliance of six months.

(This decision was carried by the Chairman's casting vote)

685. ASDA – HOURS RESTRICTION IN S52 AGREEMENT

The Committee considered a report from Planning with regard to the section 52 Agreement with regard to Asda Store Chesterton Drive, Leamington Spa and a request to vary the terms of the agreement.

The report relates to a request received from planning consultants acting on behalf of ASDA to permit a variation to the opening hours of the store currently restricted by a Section 52 agreement entered into in 1980. This was first considered at Planning Committee on 30 July 2008 when a variation to the agreement was approved to permit the following opening hours, "The superstore shall not be open to the public other than between the hours of 7 am and 11 pm Monday to Saturday and 10 am and 5pm on Sundays".

PLANNING COMMITTEE MINUTES (Continued)

The existence of a 28 year old legal agreement which (inter alia) restricted the Monday to Saturday opening hours and prevented Sunday opening of the ASDA superstore in the Sydenham area had come to light. This predates changes to the Sunday trading laws and, in the opinion of your officers; any appeal to the Land Tribunal to have this now somewhat anachronistic restriction removed would be likely to be successful.

Since the meeting on July, Environmental Health have confirmed that action was being considered under Environmental Protection legislation relating to disturbance to residents associated primarily with delivery times of HGV's in the ASDA loading bay. The Environmental Health was of the view that expressly varying the hours restriction to allow a later specific closing time may prejudice any case that may need to be prepared under that legislation, whereas revoking the agreement would not fetter the Councils ability to impose specific hours restrictions on delivery times.

The varied agreement had been put "on hold" in order to refer the matter back to committee and ASDA's solicitors have been informed of the change of circumstances.

RESOLVED that the Section 52 agreement be revoked.

686. KENILWORTH SHOP FRONT DESIGN LEAFLET

The Committee considered a report from Planning that sought approval of the Kenilworth shop front design guide (attached as an appendix to the report) , for use in determining planning applications and in order to raise the profile of shop front design in the town.

Kenilworth had two principal shopping areas: Warwick Road, which was not part of the Conservation Area, and the High Street, which was part of a Conservation Area. Concerns had been expressed, particularly in the Warwick Road area, that the variety of shop fronts lacked architectural consistency. The Kenilworth Society approached the District Council in 2007 to discuss the possibility of a guidance leaflet for owners of shops and developers in the town. A series of meetings were hosted by the Kenilworth Society and attended by the Kenilworth Town Centre Manager and the District Council Conservation Officer to progress the production of a guidance leaflet. The leaflet had been designed by the Kenilworth Society and had been endorsed by the Kenilworth Town Council.

There were a variety of buildings in Warwick Road which had a wide range of shop fronts. In certain cases, works to existing shop fronts would require planning permission, but in others works may be carried out without the need for planning permission. It was hoped that the design guide document would provide guidance both for those who need to obtain statutory consent but may also be used to encourage other shop owners to carry out works in a sympathetic manner which would encourage a higher standard of design in the street overall. In High Street there was a greater level of control as this area was within the Conservation Area and a significant number of properties were

PLANNING COMMITTEE MINUTES (Continued)

listed buildings, however, this document would provide a basis for any changes that may be proposed in this area also.

A copy of the document was appended to this report.

RESOLVED that subject to the addition of a reference to the shop front grant scheme available to shops in the conservation area, the design guide be approved for use as guidance in determining planning applications.

(The meeting ended at 9.25 pm)