

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 16 March 2011 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Illingworth (Chairman); Councillors Mrs Blacklock, Mrs Bunker, Copping, Crowther, Ms Dean, Dhillon, Mrs Higgins, Kirton and Rhead.

187. **DECLARATIONS OF INTEREST**

Minute Number 189 - W10/ 1404 – 48 Warwick Street, Royal Leamington Spa

Councillor Crowther declared a personal interest because he knew the objector.

Councillor Ms Dean declared a personal interest because it was in her ward.

Minute Number 190 - W10/ 1405 – 48 Warwick Street, Royal Leamington Spa

Councillor Crowther declared a personal interest because he knew the objector.

Councillor Ms Dean declared a personal interest because it was in her ward.

Minute Number 191 – Oaklands Farm, 357 Birmingham Road, Budbrooke

Councillors Mrs Blacklock, Mrs Bunker, Copping, Crowther, Kirton and Rhead all declared a personal interest in this item as they knew the applicant.

Minute Number 194 – W10/1644 – Rear of 46 – 48 Bedford Street, Royal Leamington Spa

Councillor Ms Dean declared a personal interest because it was in her ward.

Minute Number 195 – W11/0063 – Castle Farm Skate Park, Fishponds Road, Kenilworth

Councillors Mrs Blacklock, Mrs Bunker, Copping, Crowther, Ms Dean, Dhillon, Mrs Higgins, Illingworth, Kirton and Rhead all declared a personal interest because it had been submitted by Warwick District Council.

Minute Number 196 – ENF 444/50/10 – Trespass, 104 Parade, Royal Leamington Spa

Councillor Rhead declared a personal and prejudicial interest in this item because his Brother-in-law worked for the company. He left the room whilst this item was discussed.

PLANNING COMMITTEE MINUTES (Continued)

188. MINUTES

The minutes of the meetings held on 22 February 2011 were approved and signed by the Chairman as a correct record.

189. W10/1404 – 48 WARWICK STREET, LEAMINGTON SPA

The Committee considered an application from Mr Bagga for the change of use of a first floor health spa (Use Class D1) into a self-contained dwelling with alterations to shopfront and rear elevation.

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council and because of the need for the completion of a legal agreement.

An addendum was circulated at the meeting which set out comments that had been received from Cultural Services regarding the recommendation to apply the Open Space SPD to the planning application. It also contained notification that Royal Leamington Spa Town Council and Warwickshire Police had both confirmed they had no objections following amendments that had been made to the application.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
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)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Open Space (Supplementary Planning Document - June 2009)
Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the case officer's opinion that the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. The proposal was therefore considered to comply with the relevant policies.

Mr Western addressed the committee and outlined his objection explaining that planning permission would impact greatly on residents nearby through noise and nuisance and asked the Committee to refuse the application.

Following consideration of the report and presentation, the representations received and the information contained within the addendum, the

PLANNING COMMITTEE MINUTES (Continued)

Committee were of the opinion that the application should be granted in accordance with the officers recommendations and subject to the completion of a Section 106 agreement to secure a contribution towards the provision or enhancement of public open space.

RESOLVED that W10/ be GRANTED subject to the completion of a Section 106 agreement to secure a contribution towards the provision or enhancement of public open space contribution towards the provision or enhancement of public open space and 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) 733-A1-003-B, and specification contained therein, submitted on 23 February 2011, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors and windows (including a section showing the window reveal, heads and cill details) at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (4) all window and door frames shall be constructed in timber and shall be painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy

PLANNING COMMITTEE MINUTES (Continued)

Policy DAP8 of the Warwick District Local Plan 1996-2011; and

- (5) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

190. W10/1405 – 48 WARWICK STREET, LEAMINGTON SPA

The Committee considered an application from Mr Bagga for the change of use of a first floor health spa (Use Class D1) to a coffee shop (Use Class A3) with alterations to rear elevation.

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

An addendum was circulated at the meeting which outlined an objection received from a local resident and notification that Royal Leamington Spa Town Council and Warwickshire Police had both confirmed they had no objections following amendments that had been made to the application.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the case officer's opinion that the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. Furthermore, the proposals would have an acceptable impact on crime and disorder, the living conditions of neighbouring dwellings and the vitality and viability of the Town centre. The proposal was therefore considered to comply with the relevant policies.

PLANNING COMMITTEE MINUTES (Continued)

Mr Western addressed the committee and outlined his objection, explaining that the hours that the premises would open would be a nuisance to residents nearby. He asked the Committee to refuse the application.

Following consideration of the report and presentation, the representations received and the information contained within the addendum and the Committee were of the opinion that the application should be granted with an additional condition added to restrict the premises opening times to between 8am and 6pm.

RESOLVED that W10/ 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) 733-A1-003-B, and specification contained therein, submitted on 23 February 2011, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors and windows (including a section showing the window reveal, heads and cill details) at a scale of 1:5 (including details of materials) have been

PLANNING COMMITTEE MINUTES (Continued)

submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

- (5) all window and door frames shall be constructed in timber and shall be painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.(6); and
- (6) opening hours to be restricted to 8 am to 6 pm. **REASON**: Having regard to the location of the site within a 'hot spot' of crime and disorder and to the physical arrangement of the access to the property where the doorway to the A3 use and the flats on the upper floors share a common 'lobby', it is considered necessary to restrict the hours of opening in the interests of protecting the residential amenity of the flats on the upper floors and not increasing the potential for further crime and disorder detrimental to the amenity of local residents and visitors to the town centre. This would be in accordance with Policies DP1, DP2 and DP14 in the Local Plan.

191. W10/1663 – OAKLANDS FARM, 357 BIRMINGHAM ROAD, BUDBROOKE, WARWICK

The Committee considered a retrospective application from Mr Butler for the use of land for the importation, storage and cutting of timber.

The application was presented to the Committee because the applicant was a former District Councillor.

An addendum was circulated at the meeting which outlined a letter of support received from a resident of Balsall Common and included a letter from the applicant, Mr Butler, which had been circulated to Members.

The case officer considered the following policies to be relevant:

Planning Policy Guidance 2 : Green Belts

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)

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

PLANNING COMMITTEE MINUTES (Continued)

It was the case officer's opinion that the proposal did not fall under a forestry use, since the timber that is imported to and processed on this site is not grown within the same planning unit. The proposed use was therefore inappropriate development within the Green Belt. It was not felt that the circumstances put forward by the applicant were so special that the harm was outweighed.

The applicant, Mr Butler addressed the committee in support of the application and explained that using the wood from already dead or cut down tree's was helping people renew energy. He explained that although the area was green belt there was a petrol filling station next door and that he was willing to screen the wood and accept a condition for the height of the wood piles.

Following consideration of the report and presentation, the representation received and the information contained within the addendum the Committee were of the opinion that the application should be granted contrary to the officers recommendation and no enforcement action to be authorised because the Committee considered that this application met the requirements for development in the green belt.

RESOLVED: that

- (1) W10/1663 be GRANTED as per the application;
and
- (2) enforcement action should not be authorised but that the case remain open with a possible report to future meetings if necessary.

192. W10/0560 – LAND OPPOSITE CORNER HOUSE, LONG ITCHINGTON ROAD, HUNNINGHAM

The Committee considered an application from Mr White for the conversion of existing former stable building to an office with toilet.

The application was presented to the Committee because an objection had been received from Eathorpe, Hunningham, Offchurch and Wappenbury Joint Parish Council.

The case officer considered the following policies to be relevant:

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (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)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)

PLANNING COMMITTEE MINUTES (Continued)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
Planning Policy Guidance 2 : Green Belts

It was the case officer's opinion that the building proposed for conversion was of permanent and substantial construction and the proposed use could be accommodated without extensive rebuilding or alteration to the external appearance of the building. It was considered that no increased hazard to highway users would result from the development. The proposal was therefore considered to comply with the relevant policies.

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

RESOLVED that W10/0560 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out in accordance with the details shown on the approved drawing (drawing number 2081_03B), and specification contained therein, submitted on 1 October 2010 except as required by condition 7 below and unless first agreed otherwise in writing by the District Planning Authority. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until a temporary wooden barn owl nest box is erected on site in accordance with the recommendations specified in the Bat and Barn Owl Survey submitted to the District Planning Authority on 3 September 2010. The wooden barn owl nest box shall be retained in place until the conversion works have been completed in accordance with the detail shown on the approved drawings and the permanent barn owl nest box has been installed in accordance with Condition 4 below. **REASON**: To ensure

PLANNING COMMITTEE MINUTES (Continued)

the protection of barn owls and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (4) the development hereby permitted shall not be first occupied unless and until the permanent provision for barn owls to roost and nest has been completed in accordance with the details shown on the approved drawing. This facility shall be retained thereafter and maintained in accordance with the recommendations provided in the Bat and Barn Owl Survey submitted to the District Planning Authority on 3 September 2010. **REASON:** To ensure the protection of barn owls and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (5) all repair/construction work specified on the plans for the conversion works hereby permitted shall be carried out in reclaimed materials of the same type, texture and colour as the existing barn. **REASON:** To ensure that the rural character and appearance of the barn is protected, in accordance with Policy RAP7 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (7) the stainless steel flue hereby approved shall be painted matt black and retained as such thereafter. **REASON:** To ensure that the rural character and appearance of the barn is protected, in accordance with Policy RAP7 of the Warwick District Local Plan 1996-2011; and
- (8) no materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site. **REASON:** To ensure that the visual amenities of the area are protected, and

PLANNING COMMITTEE MINUTES (Continued)

to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

193. W10/0967 - LAND REAR OF 2,3 AND 9 REARDON COURT, WOODLOES AVENUE SOUTH, WOODLOES PARK, WARWICK

The Committee considered an application from Mr AS and Mr PS Thind for the erection of a two storey building containing hairdressers and hot food take-away with two flats above.

The application was presented to the Committee because of the number of objections that had been received and because of the need for a legal agreement for open space contributions.

An addendum was circulated at the meeting set out an objection that had been received from the Head Teacher at Ridgeway School and comments which had been received from Cultural Services regarding the recommendation to apply the Open Space SPD to this planning application.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Open Space (Supplementary Planning Document - June 2009)
Vehicle Parking Standards (Supplementary Planning Document)
UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)

The Committee had previously visited the site on Saturday 12 March 2011 to assist them in reaching a more informed decision.

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of noise, disturbance, odour or retail use which would justify a refusal of permission. The proposal was therefore considered to comply with the relevant policies.

Following consideration of the report and presentation, along the information contained within the addendum the Committee were of the opinion that the application should be refused contrary to the officers recommendations.

RESOLVED that W10/0967 be REFUSED because the proposal would be an incongruous and inappropriate form of backland development and would be out of

PLANNING COMMITTEE MINUTES (Continued)

character with the pattern of retail development in this locality. It would be likely to cause unacceptable noise, loss of privacy and an increase in crime in close proximity to the neighbouring residential home, school and flats above adjacent shops. The Committee felt that this application was therefore contrary to Policies DP1, DP2, DP9 and DP14.

194. W10/1644 – REAR OF 46-48 BEDFORD STREET, LEAMINGTON SPA

The Committee considered an application from Mr S Smith for the conversion of a former health club building in 3 loft-style apartments, the demolition of parts of the building to create a new communal courtyard and private courtyards and the external alterations including the insertion of new doors, windows and roof lights.

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

An addendum was circulated at the meeting which set out some changes made to the application. This included condition 13 being deleted because these controls would be covered by condition number 4, an additional condition was added to remove Permitted Development rights and an amendment of condition 2 to refer to the latest plan numbers. It also set out comments received from Cultural Services regarding the recommendation to apply the Open Space SPD to this Planning application.

The case officer considered the following policies to be relevant:

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

DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)

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

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)

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

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)

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

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

Open Space (Supplementary Planning Document - June 2009)

Vehicle Parking Standards (Supplementary Planning Document)

Sustainable Buildings (Supplementary Planning Document - December 2008)

The Committee had previously visited the site on Saturday 12 March 2011 to assist them in reaching a more informed decision.

PLANNING COMMITTEE MINUTES (Continued)

It was the case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property was situated. Furthermore, the proposals would be acceptable in terms of car parking and would provide a satisfactory living environment for the proposed apartments. The proposal was therefore considered to comply with the relevant policies.

Following consideration of the report and presentation, along the information contained within the addendum the Committee were of the opinion that the application should be granted with the inclusion of the amendments listed in the addendum, the recommendations within the report and subject to the completion of a Section 106 agreement to secure a contribution for the provision/enhancement of public open space.

RESOLVED that W10/1644 be GRANTED subject to the completion of a Section 106 agreement to secure a contribution for the provision/enhancement of public open space and 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) 1924.1001 REV P3, 1924.1002 REV P3, 1924.1003 REV P3, 1924.1004 REV P3, 1924.1005 REV P3, 1924.1006 REV P3 & 1924.1007 REV P4, and specification contained therein, submitted on 2 March 2011 & 15 March 2011, unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until details of the covering over of the swimming pool / racquets court in proposed apartment 3 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.

PLANNING COMMITTEE MINUTES (Continued)

REASON : For the avoidance of doubt, and to ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

- (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 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area and for this Listed Building, and to satisfy Policies DAP4 & DAP8 of the Warwick District Local Plan 1996-2011;

- (5) development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by toxic or other noxious materials and on the remedial measures required to deal with the hazards. No development shall be commenced until all toxic or obnoxious materials have been removed or otherwise treated in accordance with details which have been approved in writing by the District Planning Authority. **REASON** : To protect the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

- (6) 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 airborne noise between Apartment 3 and the adjacent tennis club 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

PLANNING COMMITTEE MINUTES (Continued)

1996-2011;

- (7) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the buildings to be demolished and affected. All roofing material is to be removed carefully by hand. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON :** To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (8) none of the apartments hereby permitted shall be occupied unless and until the bin store has been constructed in strict accordance with the approved plans. This bin store shall thereafter be kept available at all times for the storage of refuse. **REASON :** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (9) the cycle provision shown on the approved plans shall be completed before any of the apartments hereby permitted are occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON :** To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (10) no development hereby permitted until details of the proposed treatment of all areas exposed by the demolition hereby permitted have been submitted to and have been approved in writing by the District Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

Thereafter none of the apartments hereby permitted shall be occupied unless and until the demolition work to create the courtyards shown on drawing no. 1924.1001 REV P3 has been completed. and the approved scheme for the treatment of all areas exposed by the works of demolition has been wholly implemented as so approved. **REASON** : To provide a satisfactory living environment for future occupiers of the development, Policy DP2 of the Warwick District Local Plan 1996-2011;

(11) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(12) 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

(13) 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** : The proposed apartments cover most of the application site and are situated in close proximity to surrounding buildings. It is considered appropriate therefore to retain control over future development to ensure that the living conditions of future occupants and the 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.

PLANNING COMMITTEE MINUTES (Continued)

195. W11/0063 – CASTLE FARM SKATE PARK, FISHPONDS ROAD, KENILWORTH

The Committee considered an application from Warwick District Council for the erection of four freestanding 8 metre high light columns to the existing skate park.

The application was presented to the Committee because it was submitted by Warwick District Council.

An addendum was circulated at the meeting which outlined an objection that had been received from Castle Lane outlining the unsuitability of the lights and light nuisance these would cause.

The case officer considered the following policies to be relevant:

Planning Policy Statement 25 : Development and Flood Risk

DP4 - Archaeology (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)

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

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

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

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

Planning Policy Guidance 2 : Green Belts

It was the case officer's opinion that the development would not prejudice the openness and rural character of this green belt area and would not result in an unacceptable adverse impact on the amenity of nearby residents by reason of loss of privacy or light spillage and was therefore considered to comply with the relevant policies.

Following consideration of the report and presentation, along with the information contained within the addendum the Committee were of the opinion that the application should be granted in accordance with the officers recommendations.

RESOLVED that W11/0063 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

PLANNING COMMITTEE MINUTES (Continued)

details shown on the approved drawing(s), and specification contained therein, submitted on 17 January 2011 unless first agreed otherwise in writing by the District Planning Authority.

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

- (3) the illumination of the lights hereby permitted shall be restricted to between the hours of 08.30 and 21.30 only. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

196. ENF 444/50/10 – TRESPASS, 104 THE PARADE, ROYAL LEAMINGTON SPA

The Committee considered an enforcement report concerning premises owned by Jacobs & Turner (Trespass).

The matter was presented to the Committee because of the request that enforcement action be taken.

The case officer considered the following policies to be relevant:

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

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

It was the case officer's opinion that the signage did not confirm to the Council's guidelines for signage within the Leamington Spa Conservations Area and was considerably larger than other fascia signs in the locality. It was also felt that it had an impact on the character and appearance of the Listed Building and the Conservation Area.

Following consideration of the report and presentation the Committee were of the opinion that enforcement action should be authorised in accordance with the officer's recommendation.

RESOLVED that enforcement action be authorised in directed at the removal of the fascia sign within a compliance period of one month.

(The meeting ended at 9.20pm)