

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday, 20 May 2008, at the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dhillon, Edwards, Mrs Higgins, Illingworth, MacKay and Rhead.

74. APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor MacKay be appointed as Chairman for the ensuing municipal year.

75. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED that Councillor Illingworth be appointed as Vice-Chairman for the ensuing municipal year.

76. DECLARATIONS OF INTEREST

Minute Number 78 - W08/0131 – 1 New Street, Royal Leamington Spa

Councillors Barrott and Edwards declared a personal interest because the application was in their ward.

Minute Numbers 79 & 80 - W08/0332 & W080334LB – 36 Willes Road, Royal Leamington Spa

Councillors Barrott and Edwards declared a personal interest because the application was in their ward.

Minute Number 82 – W08/0519LB – The Punchbowl Hotel, 1 The Butts, Warwick

Councillor Mrs Higgins declared a personal interest because she was a ward councillor for the application site.

Minute Number 86 – W08/0309LB Abbey Farm, Ashow Road, Ashow

Councillor MacKay declared a personal interest because the Parish Council were well known to him. However he only declared a personal interest because this was a listed building consent.

Councillor Illingworth declared a personal interest, during the officers presentation when it became apparent to him that the architect was the one he was using.

Minute Number 88 – W08/0508 - 23 Harlech Close, Kenilworth

Councillor Mrs Bunker declared a personal interest because she was a ward councillor for the application site.

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 89 - W08/0533 – Shell Warwick, 54 Stratford Road, Warwick

Councillor Mrs Higgins declared a personal interest because she was a ward councillor for the application site.

77. MINUTES

The minutes of the meeting held on 12 March 2008, were taken as read and signed by the Chairman as a correct record.

78. 1 NEW STREET, ROYAL LEAMINGTON SPA

The Committee considered a report regarding a revised application from Mr Hine for the change of use of offices to a house in multiple occupation (HIMO); erection of pitched roof over existing single storey rear extension; erection of 1 no. dormer window after removal of existing and installation of 1 no. roof light to rear elevation; creation of two parking spaces and erection 1.8m high close boarded timber gates and boundary fence after demolition of existing garage. However it was reported in the officers' addendum to the meeting that the applicant has formally withdrawn the amended scheme and requested that the proposal, as originally submitted, (which did not include the double garage as part of the application site) is the one which is determined by the District Planning Authority. What this means is that the application makes no provision for any off-street parking and fails to meet the requirements set out in the Council's Vehicle Parking Standards SPD. As such, contrary to the recommendation set out in the agenda, it was recommended that the application be REFUSED.

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

The Committee had previously visited the site because it had been considered that this would benefit the Committee when determining the application.

The Head of Planning considered that the following policies were 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)

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

Vehicle Parking Standards (Supplementary Planning Document)

TCP10 - Protecting the Residential Role of Town Centres (Warwick District Local Plan 1996 - 2011)

SC10 - Managing Housing Supply (Warwick District Local Plan 1996 - 2011)

The following addressed the Committee:

Mrs H Lotian - Objector

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the officers' report, presentation and addendum, along with the submission from the member of the public who addressed the Committee, the Committee were of the opinion that the application should be refused in line with the revised officers' recommendation as set out in the addendum, with an additional reference to the proximity of the application site to a junction.

RESOLVED that application W08/0131 be REFUSED because Policy DP8 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will only be permitted that makes provision for car parking that does not result in on-street parking detrimental to highway safety. The Council has also adopted a Supplementary Planning Document 'Vehicle Parking Standards'.

The site relates to an end of terrace property situated on the corner of Mill Street and New Street. Properties in this locality rely on the availability of on-street spaces for car parking. In the opinion of the District Planning Authority, the proposal for a change of use to a house in multiple occupation containing 10 letting rooms (which in accordance with the aforementioned standards would require 5 off-street parking spaces) would result in a significant intensification to the use of this property and a consequent material increase in the demand for on-street car parking. It would thereby result in increased competition for on-street car parking, causing unacceptable congestion and likely to add to traffic danger by encouraging illegal forms of car parking having regards to its location on a corner at the junction of four roads. The proposed development does not include any off-street parking provision and would thereby be contrary to the objectives of the aforementioned Policy, both in itself and in the undesirable precedent it would create for other similar proposals which would be more difficult to resist.

PLANNING COMMITTEE MINUTES (Continued)

79. 36 WILLES ROAD, ROYAL LEAMINGTON SPA

The Committee considered a part retrospective application from Mrs Dulay for the replacement of hardwood and UPVC windows with painted French doors on ground and 1st floor at rear of building, rendering to rear walls and railings installed on outside 1st floor French doors.

The application had been submitted for determination by the Committee because authorisation for enforcement action was requested.

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)

The following people addressed the Committee:

Mrs Dulay - Applicant

Following consideration of the officers report and presentation along with the representation from the public speaker, 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 W08/0332 be REFUSED because;
 - (a) policy DAP 4 of the Warwick District Local Plan 1996-2011 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.

It is considered that the design of the replacement windows has a wholly unacceptable impact on this listed building. This is because the use of French doors with a proposed Juliet balcony at first floor level in this location is not a traditional feature that would be used on the rear wing of a listed building of this period and it therefore appears as an alien and incongruous feature, unacceptably detracting from the special architectural and historic integrity of the building. Furthermore, it is considered that the design of the glazing bar detail to both sets of French doors, appears incongruous in relation to the slender glazing bars of the timber sliding sashes on the listed building.

PLANNING COMMITTEE MINUTES (Continued)

It is therefore considered that the retention of the French doors and the use of the proposed Juliet balcony at first floor in the rear elevation of this listed building would conflict with the aforementioned policy;

- (b) development will only be permitted which positively contributes to the character and quality of its environment through good layout and design. Furthermore, DAP8 of the Warwick District Local Plan 1996-2011 also states that development will be required to preserve or enhance the special architectural and historic interest and appearance of the Conservation Areas.

In the opinion of the District Planning Authority, the modern style and design of the fenestration in the rear elevation of the traditional listed building is unacceptable, reading as an alien and incongruous feature, unacceptably jarring with the special architectural and historic interest of the listed building and adversely affecting the contribution it makes to the surrounding Conservation Area.

It is therefore considered that the retention of the French doors and the use of the proposed Juliet balcony at first floor in the rear elevation of this listed building which is prominently sited within the Conservation Area would conflict with the aforementioned policies; and

- (2) enforcement action be authorised to remove the existing French doors in the rear gable within a period of 6 months.

80. 36 WILLES ROAD, ROYAL LEAMINGTON SPA

The Committee considered a part retrospective application from Mrs Dulay for the replacement of hardwood and UPVC windows with painted french doors on ground and 1st floor at rear of building, rendering to rear walls and railings installed on outside 1st floor french doors.

The application had been submitted for determination by the Committee because authorisation for enforcement action was requested.

PLANNING COMMITTEE MINUTES (Continued)

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)

The following people addressed the Committee:

Mrs Dulay - Applicant

Following consideration of the officers' report and presentation along with the representation from the public speaker 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) W08/0334lb be REFUSED because Policy DAP 4 of the Warwick District Local Plan 1996-2011 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.

It is considered that the design of the replacement windows has a wholly unacceptable impact on this listed building. This is because the use at first floor level of French doors with a proposed Juliet balcony is not a traditional feature that would be used on a rear wing of a listed building of this period and it therefore appears as an alien and incongruous feature, unacceptably detracting from the special architectural and historic integrity of the building. Furthermore, it is considered that the design of the glazing bar detail to both sets of French doors, appears incongruous in relation to the slender glazing bars of the original timber sliding sash windows of the listed building.

It is therefore considered that the retention of the French doors and the use of the proposed Juliet balcony at first floor in the rear elevation of this listed building would conflict with the aforementioned policy; and

- (2) enforcement action be AUTHORISED to remove the existing French doors in the rear gable within a period of 6 months.

81. 53 HIGHFIELD TERRACE, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr Dewes for the erection of a first floor rear extension.

PLANNING COMMITTEE MINUTES (Continued)

The application had been presented to Committee for determination at the request of Councillor Gifford.

The Committee had previously visited the site because it had been considered that this would benefit the Committee when determining the application.

The Head of Planning 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)

The 45 Degree Guideline (Supplementary Planning Guidance)

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

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

The Committee considered a letter from Councillor Gifford explaining why he had requested the application referral to Committee.

The following addressed the Committee:

Mr Dewes – Applicant

Following consideration of the officers' report and presentation along with the information contained within the addendum and representation from Mr Dewes at the meeting, the Committee were of the opinion that the application should be granted contrary to the officers recommendation.

RESOLVED that application W08/0455 be GRANTED contrary to the officers recommendation, because the breach of the 45 degree guideline is not a material breach that would cause serious harm to the neighbour in the particular circumstances of this application, subject to the following conditions:

- (1) the development hereby permitted must be begun no later than the expiration of three years from the date of this permission;
- (2) matching materials to be approved by DPA;
- (3) large scale details to be approved by the DPA;
- (4) metal rainwater goods; and
- (5) windows and doors to be made of wood and painted, not stained.

82. THE PUNCHBOWL HOTEL, 1 THE BUTTS, WARWICK

The Committee considered a retrospective application from RBNB for the removal of the old signage on the northwest elevation and replacement with hand painted script detailing a brief history of the Punchbowl.

The application had been submitted for determination by the Committee following a request by Councillor Mrs Higgins on behalf of Warwick Town Council.

PLANNING COMMITTEE MINUTES (Continued)

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)

Supplementary Guidance : Design Advice on Shopfronts and Advertisements in Warwick (2002)

The Committee considered the response from CAAF which was set out in the addendum circulated at the meeting.

The following addressed the Committee

Councillor Mrs Offer – Warwick Town Council (Supporting)

Following consideration of the officers' report and presentation along with the information contained within the addendum and representation at the meeting from Warwick Town Council the Committee were of the opinion to grant the application contrary to the officers' recommendation.

RESOLVED that application W08/0519LB be GRANTED contrary to the recommendation in the report because the sign did not cause harm to either the physical fabric of the listed building and its historic character or appearance to the street scene or visual amenity of the area, and to ensure the integrity of the Listed Building the permission be subject to a condition of it being solely for the current detailed design, wording, script and appearance as shown on the photos submitted with the application. The reason for this was to protect the character and appearance of the listed building.

The Legal Officer present at the meeting explained to the Committee the implications this would have for the pending enforcement action against the premises. Taking this advice into consideration the Committee agreed that the enforcement action should be stopped.

RESOLVED that the current enforcement notices issued by this Council regarding this matter be withdrawn as soon as possible subject to no application for costs.

83. 2-24 KENILWORTH STREET, ROYAL LEAMINGTON SPA

The Committee considered an application from Kigass Ltd for demolition of 1950s buildings with restoration of Irwin Hall & House and conversion to offices and 6 apartments, erection of new build to form 4 shops, 20 apartments, basement car park and storage.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee for determination because a Section 106 Agreement was recommended to secure affordable housing. This was also linked to applications W08/0014LB and W08/0016CA contained in the agenda for this meeting.

The Committee had previously visited the site because it had been considered that this would benefit the Committee when determining the application.

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)

DAP5 - Changes of Use 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)

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

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

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

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

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

TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

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

SC10 - Managing Housing Supply (Warwick District Local Plan 1996 - 2011)

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

UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)

TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 1996 - 2011)

TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)

Supplementary Planning Guidance : "Managing Housing Land Supply"

In the opinion of the Head of Planning, 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 preserves the character and appearance of the Conservation Area within which the property was situated. Furthermore, the proposal was not considered to cause unacceptable harm to the amenity of nearby residents or to the vitality or viability of the Town Centre. The proposal is 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.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W08/0007 be GRANTED subject to the prior conclusion of a legal “Section 106 Agreement” to secure the provision of 10 flats for affordable housing 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 nos. 1174/06, /08c, /09, /16, /26a, /27c, /28, /29 and /rmp, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) 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;
- (4) all rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011. 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;

PLANNING COMMITTEE MINUTES (Continued)

- (5) full details of the proposed render mix, paint colour and detailing shall be submitted to and approved in writing before the development hereby permitted is first commenced. The development shall be completed strictly as approved. **REASON** : To protect the character and appearance of the Conservation Area as required by Policy DAP8 in the Warwick District Local Plan 1996-2011;
- (6) details of the 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 commence on site. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;
- (7) 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 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;

PLANNING COMMITTEE MINUTES (Continued)

- (8) no development shall be carried out on the site which is the subject of this permission, until large scale details of balconies, dormer windows, vehicular access areas, shopfronts, conservation roof lights, 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 a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011. 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;
- (9) prior to the commencement of the development hereby permitted a plan to show the layout and surface treatment of a cycle parking area for use in association with the development shall have been submitted to and approved by the District Planning Authority. The cycle parking area shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that 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) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (11) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety;
- (12) before the development hereby permitted is first occupied a scheme for the disposal of rubbish from all uses proposed within this site, including means of storage and collection, shall be submitted to and approved in writing by the District Planning Authority. The scheme shall thereafter be strictly implemented as so approved. **REASON** : To protect the character and appearance of the Conservation Area and to secure a satisfactory form of development as required by Policies DP1 and DAP8 in the Warwick District Local 1996-2011;
- (13) notwithstanding the submitted bat survey, 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, to include a day/night time activity survey, preferably during May-August. 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;

PLANNING COMMITTEE MINUTES (Continued)

- (14) 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;
- (15) no external lighting or sound amplification or tannoy system shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the District Planning Authority. **REASON** : To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;
- (16) the level of noise from the development hereby permitted measured one metre from the nearest face of the nearest noise sensitive premises shall not exceed the background level by more than 3 dBA. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;
- (17) the retail premises hereby permitted shall be used solely for purposes falling within Class A1 as defined in the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. **REASON** : Other uses may not be appropriate by reason of their impact on other making uses in accordance with the requirements of Policy DP1 in the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (18) the car park hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996 – 2011;
- (19) the development shall not be occupied until two accesses for vehicles have been provided to the site not less than 5 metres in width at any point, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety and to secure a satisfactory means of access to the site in accordance with the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (20) the development shall be laid out in general accordance with plan 1174/27c, with regard to the parking layout and ramp locations. **REASON:** In the interests of highway safety and to secure a satisfactory means of access to the site in accordance with the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (21) the accesses to the site for vehicles shall not be used in connection with the development until they have been surfaced with a suitable bound material for a distance of 10 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON** : In the interests of highway safety and to secure a satisfactory means of access to the site in accordance with the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011; and
- (22) the access to the site for vehicles shall not be used unless a public highway footway crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON** : In the interests of highway safety and to secure a satisfactory means of access to the site in accordance with the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (23) the development shall not be occupied until all parts of the existing accesses within the public highway not included in the permitted means of access have been closed and the kerb and footway have been reinstated in accordance with the standard specification of the Highway Authority. **REASON** : In the interests of highway safety and to secure a satisfactory means of access to the site in accordance with the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (24) gates/barriers erected at the entrances to the site for vehicles shall not be hung so as to open to within 5.5 metres of the near edge of the public highway carriageway. **REASON** : In the interests of highway safety and to secure a satisfactory means of access to the site in accordance with the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (25) the development shall not be occupied until turning areas have been provided within the site so as to enable cars to leave and re-enter the public highway in a forward gear. **REASON** : In the interests of highway safety and to secure a satisfactory means of access to the site in accordance with the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011; and
- (26) the gradients for the ramps should be in general accordance with plan 1174/rmp. **REASON** : In the interests of highway safety and to secure a satisfactory means of access to the site in accordance with the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011.

84. 2-24 KENILWORTH STREET, ROYAL LEAMINGTON SPA

The Committee considered an application from Kigass Ltd for the demolition of 1960s extensions with restoration and conversion of Irwin Hall and House to office apartments, with erection of attached buildings.

The application was submitted to Committee for determination in association with applications W08/0007 and W08/0016CA.

The Committee had previously visited the site because it had been considered that this would benefit the Committee when determining the application.

PLANNING COMMITTEE MINUTES (Continued)

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)

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

In the opinion of the Head of Planning, 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. 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 W08/0014LB 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 nos 1174/08C, /26a, /27B, /28 and 29 and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission until large scale details of all windows and doors 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 historic character and appearance of the Listed Building as required by Policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (4) the roofing material for the development shall be natural slate, a sample of which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the 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; and
- (5) before the development hereby permitted is first commenced a schedule of works detailing all changes proposed to these listed buildings and the means of their construction shall be submitted to and be approved in writing by the District Planning Authority. The works shall therefore be undertaken strictly as so approved. **REASON** : To protect the historic character and appearance of these listed buildings as required by policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011.

85. 2-24 KENILWORTH STREET, ROYAL LEAMINGTON SPA

The Committee considered an application from Kigass Ltd for the demolition of 1950s building.

The application was presented to Committee for determination in association with applications W08/0007 and W08/0014LB.

The Committee had previously visited the site because it had been considered that this would benefit the Committee when determining the application.

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

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

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

In the opinion of the Head of Planning, 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 the application should be granted.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W08/0016CA 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 nos 1174/01 and /100L, and specification contained therein, deposited with the District Planning Authority on 7th January 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) the demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under planning permission W08/0007 has been made.
REASON : To avoid the creation of an unsightly gap within the Conservation Area, in order to satisfy the requirements of DAP8 of the Warwick District Local Plan 1996-2011.

86. ABBEY FARM, ASHOW ROAD, ASHOW

The Committee considered an application from Mr and Mrs Burdett for conversion of the existing garage and outbuilding into additional guest accommodation to the main house, consisting of two bedrooms with ensuite bathrooms and communal WC.

The application was presented to Committee for determination because an objection had been received from the Ashow, Burton Green and Stoneleigh Joint Parish Council.

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)

In the opinion of the Head of Planning, the proposed development did not adversely affect the historic integrity, character or setting of the listed building and was of an acceptable standard of design and detailing. The proposal was therefore considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of 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 W08/0309LB 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) 4578/03B, and specification contained therein, submitted on 3rd April 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) 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), and rooflights 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 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) 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; and

PLANNING COMMITTEE MINUTES (Continued)

- (5) a photographic record of the original building be taken before works of conversion commence.

87. LOWDOWN FARM, OAKLEY WOOD ROAD, BISHOPS TACHBROOK

The Committee considered an application from Messrs Wright for the erection of an agricultural building.

The application was submitted to the Committee for determination because an objection had been received from Bishops Tachbrook Parish Council and because of the number of objections 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)

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

DP11 - Drainage (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)

DP6 - Access (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 the impact on the rural character of the area or the living conditions of nearby dwellings 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 deferred to allow for them to visit the site.

RESOLVED that application W08/0340 be deferred to allow for a site visit to be undertaken which would be of significant benefit to the Committee when determining the application.

88. 23 HARLECH CLOSE, KENILWORTH

The Committee considered an application from Mr G Wallis for the erection of a single storey extension to side and conversion of existing garage to rear of property.

The application had been referred to Committee for determination because an objection had been received from Kenilworth Town Council.

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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 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 W08/0508 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 07/109-02, and specification contained therein, submitted on 18th March, 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.

89. SHELL WARWICK, 54 STRATFORD ROAD, WARWICK

The Committee considered a retrospective application from Shell UK Oil Products Ltd for the erection of a freestanding totem sign.

The application was submitted 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)

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 visual amenity 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 refused contrary to the officers recommendation.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that

- (1) application W08/0533 be REFUSED contrary to the recommendation in the report because the size and bulk and prominence of the totem sign was detrimental to the street scene on such a prominent road into the Town Centre and was not in keeping with the residential area; and
- (2) enforcement action be AUTHORISED to secure the removal of the sign within four months.

90. LITTLE WOODCOTE, ROUNCIL LANE, KENILWORTH

The Committee considered a report from the Head of Planning regarding the construction of a vehicular access road across adjoining agricultural land from Rouncil Lane to the above property.

The report had been submitted to Committee for consideration because the authorisation of enforcement action was requested.

In March 2007 it was brought to the attention of the Enforcement Section that a vehicular access road had been made from Rouncil Lane to the domestic property, Little Woodcote.

The owners were contacted and informed that Planning Permission was required.

Previously, in February 2005 an Application for Planning Permission [W05/0218 refers] was made for extensions to the property to include a new access road. That access road was proposed across the same agricultural land in proximity to the road as now constructed. The application was referred to the Planning Committee on 3 May 2005 when permission was refused. That decision was subject to an appeal which was dismissed in relation to the access road by reason of the inappropriateness of the development in the Green Belt and the impact on the character and openness of the area which were not considered to outweigh the associated highway safety benefits.

An application for Planning Permission had not been made for the new access road but an application for a Lawful Development Certificate [W07/1105 refers] was made and refused 30 August 2007 since it was not considered that evidence had been submitted to show that the road had been constructed for a 10 year period.

RESOLVED: that appropriate enforcement action be authorised, directed at the cessation of the use of the vehicular access and its removal/stopping up with a compliance period of three months.

PLANNING COMMITTEE MINUTES (Continued)

91. THE LEOPARD INN, OAKLEY WOOD ROAD, BISHOPS TACHBROOK

The Committee considered a report from the Head of Planning regarding the installation of two condenser units and one extraction fan to the end elevation adjacent to 12 Oakley Wood Road and fronting Oakley Wood Road, the installation of steel kitchen fume extraction system ducting and flue on the rear elevation adjacent to 12 Oakley Wood Road, the erection of a rear kitchen extension not in compliance with the plans approved under Planning application W05/1948 and Listed Building consent application W05/2044LB at the above property.

The report had been submitted to Committee for consideration because the authorisation of enforcement action was requested.

In November 2006 it was brought to the attention of the Enforcement Section that alterations and refurbishment were being undertaken at the Leopard Inn, Oakley Wood Road, Bishops Tachbrook.

The works included the installation of an externally mounted kitchen fume extraction system, condenser units, an extraction fan and the erection of a kitchen extension with a flat roof rather than the permitted pitched roof.

In January 2006, Planning Permission [W05/1948] and Listed Building application [W05/2044LB] granted consent for the erection of a rear kitchen extension with a pitched roof, and the installation of a new window and internal alterations. The application approved plans show a proposed extraction flue to be concealed within a brick chimney structure.

Condition 5 of W05/1948 required that details of the proposed extraction unit within the new chimney be submitted and approved.

On 22 March 2007 applications for Listed Building Consent and Planning Permission [W07/0546LB & W07/0545 refer] were submitted which sought to vary the external finish to the extraction flue, seek approval for the installation of a flat roof rather than a pitched roof to the extension and apply for consent for two condenser units. The applications were refused under delegated powers on 31 May 2007. A subsequent appeal was dismissed by the Planning Inspectorate on 4 February 2008.

RESOLVED that appropriate enforcement action be authorised directed at the remedy of the harm arising from the extension; the condenser units, extractor fan and kitchen fume extraction system with a compliance period of three months.

(The meeting ended at 9.10pm)