

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 7 February 2012 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

(Councillor Mobbs substituted for Councillor Mrs Higgins)

163. **DECLARATIONS OF INTEREST**

Minute Number 165 – W11/0903 – 41 Makepeace Avenue, Woodloes Park, Warwick, CV34 5SB

Councillor Copping declared a personal and prejudicial interest because the applicant was a friend and a fellow vice president of Leamington Rugby Club. He left the room whilst this item was discussed.

Minute Number 166 – W11/0967 – 9-11 St Marks Road, Royal Leamington Spa

Councillor Copping declared a personal and prejudicial interest because the applicant was a family friend and a neighbour for 25 years. He was already out of the room whilst this item was discussed having declared a personal and prejudicial interest on the previous item.

Minute Number 167 – W11/1282 – 8 Highlands Road, Kenilworth, CV8 2ET

Councillor Copping declared a personal interest because he had drawn the Enforcement Officer's attention to this site, but explained that he had not formed an opinion on the application.

Councillor Mobbs declared a personal interest because he was Ward Councillor, and stated that he had not attended Town Council meetings beforehand when this was discussed.

Minute Number 170 – W11/1429 – Land off Queens Square and Charter Approach, Warwick, CV34 6HP

Councillors Mrs Blacklock, Brookes, Copping, Ms Dean, Illingworth, Kinson, Mackay, Mobbs, Rhead, Weed and Williams all declared a personal interest as Warwick District Council owned the land in question.

Councillor Kinson declared a personal interest as Ward Councillor.

164. **MINUTES**

The minutes of the meetings held on 17 January 2012 were approved and signed by the Chair as a correct record.

PLANNING COMMITTEE MINUTES (Continued)

165. W11/0903 – 41 MAKEPEACE AVENUE, WOODLOES PARK, WARWICK, CV34 5SB

The Committee considered a retrospective application from Mr W M Connolly for a change of use of existing scrub land to residential cartilage and erection of a fence.

The application was presented to the Committee in order to request that enforcement action be taken. The Council had received written objections to the proposal.

The case officer considered the following policies to be relevant:

Planning Policy Statement 1: Delivering Sustainable Development
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)
PPG17 - Planning for Open Space, Sport and Recreation

It was the case officer's opinion that the development was not acceptable in planning terms as it did not respect the physical form and harmed the local character and local distinctiveness of the area by reducing the size of the existing open space. The development did not meet the requirements of Policy DP1 of the Warwick District Local Plan and did not comply with the Council's Residential Design Guide. As the proposal reduced the amount of accessible open space which was an important local amenity for all age groups, it was also contrary to Policy DP2 of the Warwick District Local Plan. PPG17 stated that small areas of open space in urban areas should be protected as they played an important role for amenity and offered play and recreational opportunities. The proposal was therefore also contrary to PPG17 in relation to the loss of open space.

Councillor Stephen Cross, in his capacity as Ward Councillor, spoke in support of the application. He informed the Committee that the applicant, Mr Connolly, had received 11 positive responses from neighbouring properties to a questionnaire that he had sent out. He stated that Mr Connolly had purchased the property in its extended state and therefore believed that he owned the land that had been fenced off. The fencing was in keeping with its surrounds and Mr Connolly had made significant improvements in the landscaping and the area was now well maintained and tidy.

The Legal Services Officer informed the Committee that the ownership of the land was irrelevant to its deliberations. The Committee should consider the change of use and whether it should be kept as an open space.

The Committee noted that whilst some neighbours did not miss the loss of the open space, others might, and that open space was important to the general character of the estate. It was noted that although Warwick District Council did not own the land, it did maintain it.

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

PLANNING COMMITTEE MINUTES (Continued)

recommendation. It authorised officers to take appropriate enforcement action, directed at the removal of the fence and the reinstatement of the land to its former conditions within a compliance period of three months.

RESOLVED that:

(1) W11/0903 be REFUSED for the reasons listed:

Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 state that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. PPG17 states that small areas of open space in urban areas should be protected as they play an important role for amenity and offer play and recreational opportunities.

Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and/or does not provide acceptable standards of amenity for future users/occupiers of the development.

The Woodloes Estate is characterised by large open plan frontages incorporating large green open spaces that maintain important gaps within the residential development, provide valuable public open space and provide a local amenity. The development has resulted in a fortress like enclosure which results in the loss of open space constituting an awkward, incongruous development at odds with its surroundings creating a disproportionate curtilage to the existing dwelling. This loss of open space reduces the local amenity provision for the residents of the Woodloes Estate.

The development is thereby considered to be contrary to the aforementioned policies.

(2) Officers are authorised to take appropriate enforcement action, directed at the removal of the fence and the reinstatement of the land to its former condition within a compliance period of three months.

166. **W11/0967 – 9-11 ST MARKS ROAD, ROYAL LEAMINGTON SPA**

The Committee considered a retrospective application from Mr B Dhesi for the change of use of 9 St Marks Road from Nursery to residential dwelling and the erection of two outbuildings in the rear gardens of 9 and 11 St Marks Road, fronting Cliffe Road for ancillary residential use.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to the Committee at the request of Councillor Gifford, due to the number of objections and because objection had been received from Royal Leamington Spa Town Council.

The Committee had visited the site on Saturday 4 February 2012 because the Chairman had felt it would be beneficial to the Committee when determining 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)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Open Space (Supplementary Planning Document - June 2009)

The case officer drew the Committee's attention to the addendums received after the agenda had been prepared and informed the Committee that the comments from CAAF related to a previous application that had been withdrawn, but these were still relevant as they related to the same building but did not include the nursery.

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

Mr Stephen Owen, representing objecting residents from Cliffe Road and St Marks Road, informed the Committee that although the ancillary buildings in the current application were slightly smaller than in previous applications, they were still large and therefore would have a significant impact on the Conservation Area. He claimed that the application would conflict with Local Plan policies DAP8 and DP1, as well as national planning policy PPS5. In principle, there was not an objection to ancillary buildings if they were on the same scale as the original single-storey outbuilding.

Mr Joel Hancock, speaking on behalf of the applicant, informed the Committee that the outbuildings were appropriate subject to scale and design. The previous applications had been two-storey, whereas the current application was single-storey. He stated that the buildings would have decorative brickwork and would be in keeping with their surrounds.

PLANNING COMMITTEE MINUTES (Continued)

Councillor Bill Gifford, in his capacity as Ward Councillor, spoke against the application and stated that "modest" sized ancillary buildings would not be inappropriate, but the ones in the application were not considered to be modest and would have a severe detrimental effect on the Conservation Area.

The case officer confirmed that the plans did not show any use of the roof space, although it was conceivable that the applicant could install a mezzanine floor without the need for planning permission.

It was noted that the two outbuildings now met many of the Inspector's requirements but concerns were raised that the buildings should not be used for commercial purposes, and to prevent this, a condition should be added to any planning consent.

Some members of the Committee felt that the buildings were too large and that planning consent should be refused, but the majority felt that as the applicant had met most of the Inspector's requirements and that the Conservation Architect had reviewed the application and was content, then permission should be granted. The applicant had discussed his application with officers and this should be taken into account.

Following consideration of the report, addendums and the presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be granted in line with the officer's recommendation and that an additional condition restricting the use of the workshop for domestic purposes should be added.

RESOLVED that W11/0967 be GRANTED subject to the conditions listed below:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing numbers 660-08A; 660-12 and 660-11 Rev C, and specification contained therein, submitted on 3 August 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;

PLANNING COMMITTEE MINUTES (Continued)

- (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 construction 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) 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 to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (5) a landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting 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 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. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been

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completed. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

- (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 manufacturer's 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 new access for vehicles to the site from the public highway shall not be made other than at the position identified on the approved drawing number 660-11 C at a position whereby the visibility splay requirements stated in condition 11 will be satisfied. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (8) the development shall not be commenced until an access for vehicles has been provided to the site not less than 3 metres or greater than 5 metres in width for a distance of at least 7.5 metres, as measured from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (9) the new access to the site for vehicles shall not be used unless a public highway footway crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (10) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a suitable bound material for a distance of at least 5 metres as measured from the near edge of the public highway carriageway in accordance with details to be

PLANNING COMMITTEE MINUTES (Continued)

approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (11) the development shall not be commenced until visibility splays have been provided to the new vehicular access to the site with an 'x' distance of at least 2 metres and 'y' distances of 43 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (12) the access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (13) the development shall not be commenced until visibility splays have been provided to the accesses to the site with an 'x' distance of 2.4 metres and 'y' distances of 2.4 metres as measured from the rear edge of the public highway footway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (14) gates/barriers/doors erected at the entrance to the site for vehicles shall not be hung so as to open to within 5 metres of the near edge of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (15) the development shall not be commenced until turning areas have been provided within the site so as to enable vehicles to leave and re-enter the public highway in a forward gear. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and

PLANNING COMMITTEE MINUTES (Continued)

(16) an additional condition restricting the use of the workshop for domestic purposes.

167. W11/1282 – 8 HIGHLANDS ROAD, KENILWORTH, CV8 2ET

The Committee considered a retrospective application from Mr R Porter for the erection of a garden room.

The application was presented to the Committee in order to request that enforcement action be taken.

The Committee had visited the site on Saturday 4 February 2012 because the Chairman had felt it would be beneficial to the Committee when determining 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)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the case officer's opinion that the existing garden room was not in keeping with the character of the residential area due to its design, location, height and massing and its visual impact on the street scene of Inchbrook Road. The development had an adverse impact on the amenity, outlook and privacy of neighbouring properties and created an overbearing effect. The development was contrary to the aforementioned policies.

The applicant, Mr Russell Porter, spoke to the Committee and stated that the property had not been upgraded since 1951 and lacked a garage and storage, hence why a garden room had been erected. He had taken care to build it in ecological materials and in sympathy with the surroundings and to be as unobtrusive to neighbouring properties. It was his contention that the garden room was visually pleasing. The garden room was to be used for storage and for use by his family. He required a safe and dry storage for his tools due to his profession.

The Committee agreed that the garden room was beautifully constructed and not out of keeping with its surroundings. The issue was its size and location in respect of the property boundary. Some members of the Committee did consider that the height of the roof was obtrusive, however, it was noted that neighbouring residents had not objected to the garden room. It was suggested that future residents might find the garden room obtrusive, but they would have a choice. Current residents could have objected, but had not. The Committee confirmed that all current neighbouring properties had received notification of the planning application.

The Committee considered whether it should insist that the garden room was moved further back into the grounds of the property so that it would not be so close to the boundary. The Case Officer and Legal Services Officer advised that it would be difficult to word an enforcement notice

PLANNING COMMITTEE MINUTES (Continued)

precisely enough, and this was why removal was sought. The applicant could then submit another application.

The Committee then considered whether this would mean that the applicant would then be forced to go through enforcement before resubmitting an application. They were advised that a reposition could be negotiated or the garden house reduced in size, and the enforcement could be held in abeyance. If the applicant failed to meet satisfactory agreement within an agreed time, then enforcement would become necessary.

It was noted that if the garden room were to be moved back into the ground by just one metre, then there would not be a height issue. To comply with regulations in its current position, it would need to be reduced to ridge height.

Following consideration of the report addendums and the presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be granted contrary to the officer's recommendation with conditions requiring the development to be completed in accordance with the submitted plans and as ancillary residential use.

RESOLVED that W11/1282 be GRANTED with conditions requiring the development to be completed in accordance with the submitted plans and as ancillary residential use for the following reasons:

- (1) the garden room would have been permitted development if it had been a further metre from the boundary; and
- (2) the impact of moving the garden room further away from the boundary by just one metre would make negligible impact on neighbouring properties.

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

This item was WITHDRAWN at the request of the officers, awaiting comments from County Highways.

169. **W11/1353 – THE HOLT, LAPWORTH STREET, BUSHWOOD, LOWSONFORD, HENLEY-IN-ARDEN, B95 5HG**

The Committee considered an application from Mr J Gray for the demolition of the existing three garages, partial reduction in height of ground level and the construction of two garages, a day room and a new front retaining wall.

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

The Committee had visited the site on Saturday 4 February 2012 because the Chairman had felt it would be beneficial to the Committee when determining the application.

PLANNING COMMITTEE MINUTES (Continued)

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Planning Policy Guidance 2: Green Belts

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

The representative from the Parish Council who had registered to speak did not attend the meeting. An administrative error had resulted in the applicant's wife, who had registered to speak using her professional name, being shown as an objector. When the Chairman clarified the misunderstanding and that the parish council representative was not present, he allowed the two supporters to share the three minutes allowed for one speaker.

They explained that they wanted to make a positive impact on the area. The proposed buildings would be made using sympathetic materials and the garages had been "dug in" to reduce their impact.

The Committee considered that the proposals were a significant improvement, both practically and visually, on current buildings and would not harm the Green Belt.

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

RESOLVED that W11/1353 be GRANTED subject to the conditions listed below:

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

PLANNING COMMITTEE MINUTES (Continued)

and approved drawing(s) 001 received on 10/11/11 and amended plans 002C, 003B received on 09/01/12, and specification contained therein, submitted on 10/11/11 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 hereby permitted shall take place unless and until details of the materials for the retaining wall have been submitted to and approved by the District Planning Authority. 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
- (4) this permission authorises the erection of an extension to the existing dwelling in the form of a detached building containing 2 garages and a dayroom and shall not be construed as permitting the erection of a separate dwelling unit. **REASON:** Since there is insufficient amenity space for a separate dwelling and to protect the amenity of the nearby residential properties in order to satisfy Policy DP1 and DP2 of the Warwick District Local Plan 1996-2011.

(Councillor Rhead left the meeting at the conclusion of this item.)

170. W10/1429 – LAND OFF QUEENS SQUARE AND CHARTER APPROACH, WARWICK, CV34 6HP

The Committee considered an application from Orbit Housing Association for an extension of time limit on planning permission W07/1799 for the construction of six affordable homes after demolition of the existing timber building.

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

The case officer considered the following policies to be relevant:

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP5 - Density (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the principle of development, and the layout, form and design of the scheme had been previously accepted and there had been no change in policy since this time that would have affected matters. The development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of loss of amenity or parking that would justify a refusal of permission. The proposed application, therefore complied with the policies listed. The Council had not received any objections to the application.

The Committee discussed the condition that was imposed on the previous consent requiring the dwellings to be affordable homes in accordance with policy SC11, because at the time the Managing Housing Supply SPD was in force which did not permit market dwellings. This policy and SPD was no longer in operation and so a condition requiring affordable homes could not be imposed. The Case Officer explained that it was reasonable to assume that the dwellings would still be affordable homes because the application was from Orbit Housing Association, but he explained that if permission were granted, the homes could be sold to someone else and then they could become market dwellings. He explained that this was not a reason to refuse permission.

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

RESOLVED that W10/1429 be GRANTED subject to the conditions listed below and the completion of a S106 Agreement to secure a contribution of £11,304 towards open space:

- (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;

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- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (5393.300B; 5393.301; 5393.302), and specification contained therein, submitted on 23 October 2007 and 13 December 2007 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) 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 becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;
- (5) the development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the District Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. **REASON:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk

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of creating or exacerbating a flooding problem and to minimise the risk of pollution; and

- (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 manufacturer's 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.

171. W11/0467 – CORNER OF MILL LANE AND OLD WARWICK ROAD, LAPWORTH, SOLIHULL B94 6JX

The Committee considered an application from Mr I Potterton for the demolition of the existing shop, chiropody office and apartment over. Erection of a new shop, chiropody office, apartment over plus three No. two-bed houses and a three-bed house with ancillary parking.

The application was previously presented to the Committee on 6 September 2010 because an objection had been received from Lapworth Parish Council. Work had since commenced on the required legal agreement but the applicant now wished the scheme to be amended on grounds of the financial viability of the scheme. The amended proposal reduced the number of proposed affordable dwellings to two out of the five proposed, rather than the three which were previously approved by the Committee.

The case officer considered the following policies to be relevant:

SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
RAP4 - Providing Rural Affordable Housing (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
DP5 - Density (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Planning Policy Guidance 2: Green Belts

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RAP11 - Rural Shops and Services (Warwick District Local Plan 1996 - 2011)

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

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

It was the case officer's opinion that the development did not prejudice the openness and rural character of the Green Belt area and was considered to comply with the policies listed.

The Committee expressed concerns that the applicant had asked for amendments to the proposals so soon after consent had been granted. It noted that a rural housing survey had previously been undertaken, and part of the reasons why the application had been granted previously were based on this survey. The amended plans now sought to reduce the number of affordable dwellings by one. The Committee considered that it should take a pragmatic view of the amended proposals as if it refused permission, it was possible that all development on the site would grind to a halt.

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

RESOLVED that W11/0467 be GRANTED upon completing of a Section 106 agreement to secure the provision of two affordable housing units and their transfer to a registered provider approved by Warwick District Council, and an open spaces contribution of £5,652.00, and subject to the conditions listed below:

- (1) the development hereby permitted must be begun not later than the expiration of two 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) (5003; 1 received on 1 September 2011. 5003; 4 & 5003; 5 received on 8 August 2011. LAP/2000 within Renewable Energy report by Hillman Design Ltd), 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 take place until the applicant has secured the implementation of a

PLANNING COMMITTEE MINUTES (Continued)

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;

- (4) prior to commencement of the development hereby approved, details of a porous surface treatment for the parking and turning area or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site, shall have been submitted to and approved by the District Planning Authority. The parking and turning area shall be constructed and surfaced, in full accordance with the approved details. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan;
- (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) no development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment 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:** 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;
- (7) the car park hereby permitted shall be constructed, surfaced, laid out and available for

PLANNING COMMITTEE MINUTES (Continued)

use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan, and shall be kept available for the parking of vehicles at all times hereafter. **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;

- (8) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application (ref. Renewable Energy report by Hillman Design Ltd) 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 manufacturer's 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;
- (9) the shop hereby permitted shall be only used for purposes within the A1 Use Classes Order 2010 and for no other purpose without the prior consent of the District Planning Authority. **REASON:** To protect the use of the unit in accordance with Local Plan Policy RAP11, which seeks to retain existing rural shops and services which meet local needs;
- (10) the chiropody office hereby permitted shall be only used for purposes within the D1 Use Classes Order 2010 and for no other purpose without the prior consent of the District Planning Authority. **REASON:** To protect the use of the unit in accordance with Local Plan Policy SC8, which seeks to protect existing community facilities which meet local needs; and
- (11) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A or E of Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON:** The gardens of the dwellings are of a restricted size and configuration and are in close proximity to other
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PLANNING COMMITTEE MINUTES (Continued)

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.

172. W11/1209 – 58 PARKLANDS AVENUE, LILLINGTON, ROYAL LEAMINGTON SPA, CV32 7BE

The Committee considered a retrospective application from Mrs S Dhillon for the retention of a connecting link between an outbuilding and an extension to the house.

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

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)

Residential Design Guide (Supplementary Planning Guidance - April 2008)
Sustainable Buildings (Supplementary Planning Document - December 2008)

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

The 45 Degree Guideline (Supplementary Planning Guidance)

It was the case officer's opinion that the development respected the 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.

Some members of the Committee expressed slight concerns over this application but noted that the proposals would not consume 50% of the garden, even with the other extension.

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

RESOLVED that W11/1209 be GRANTED subject to the development hereby permitted relates strictly with the details shown on the application form, site location plan and approved drawing(s), and specification contained therein, submitted on 23 September 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.

PLANNING COMMITTEE MINUTES (Continued)

173. W11/1495 – 26 WHITMORE ROAD, WHITNASH, ROYAL LEAMINGTON SPA, CV31 2JQ

The Committee considered an application from Miss S Wright for the retention of a single storey rear extension, erection of a two story side extension and first floor rear extension together with a pitched roof over the part of the study to the side and a new porch canopy.

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

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

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

The Committee noted that the extension proposals were not uncommon.

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

RESOLVED that W11/1495 be GRANTED subject to the conditions listed below:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing number 1111-02A, and specification contained therein, submitted on 26 January 2012 unless first agreed otherwise in

PLANNING COMMITTEE MINUTES (Continued)

writing by the District Planning Authority. The single storey rear extension shall relate to the details shown on drawing number 1111-02A submitted on 26 January 2012. **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 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 manufacturer's 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.

174. **ENF 109/14/11 – JOSEPH ARCH, 7 BRIDGE STREET, BARFORD, WARWICK, CV35 8EH**

This item was WITHDRAWN at the request of the officers as a planning application had been submitted.

175. **ENF/29/11 – 1 COLLINS ROAD, HEATHCOTE INDUSTRIAL ESTATE, WARWICK, CV34 6TF**

The Committee considered an enforcement case against Shires Accident Repair Centre (Sedgley) Ltd in respect of the change of use to a fitness centre.

The enforcement case was presented to Committee to request that enforcement action be authorised.

The case officer considered the following policies to be relevant:

SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards SPD.

The case officer explained that when the applicant appealed the Council's decision to refuse planning permission for a change of use, the Inspector had upheld one of the Council's refusal reasons, namely the absence of off-street parking and the Inspector had noted the impact of on-street car parking on highway safety. The case officer explained that the unauthorised use of the building was now fully functional, but no car parking provision had been made within the site for staff and customers. Photograph evidence was shown to the Committee of haphazard on and off

PLANNING COMMITTEE MINUTES (Continued)

street parking in the immediate vicinity of the site, which was to the potential detriment of highway safety and contrary to Policy DP8 of the Local Plan. The case officer explained that that the Council had made extensive contact with the agent for the owner to explain the situation, but the matter had not been resolved. The case officer therefore recommended that the only appropriate option was an Enforcement Notice to rectify the ongoing breach.

The Committee noted that Central Government advice was to take note of problems faced by businesses in a recession. The Fitness Centre operated with 12 full-time members of staff, which would be at stake if the Centre was forced to close. The Fitness Centre was fully equipped and was a thriving business. The Committee considered whether temporary permission could be granted to the Fitness Centre to allow it time to sort out parking issues but the Legal Services Officer advised that temporary permission would be difficult to justify when the issue was highway safety.

The Committee then considered whether alternative parking arrangements could be found elsewhere, but was informed that attempts had been made to get the applicant to submit parking proposals. The Committee therefore concluded that the Enforcement Notice should be authorised, but the applicant would have six months to find an acceptable parking solution before the Notice was enforced.

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

RESOLVED that ENF 139/29/11 be AUTHORISED to take appropriate enforcement action directed at the cessation of the unauthorised use of the premises with a period of compliance of six months.

(The meeting ended at 9.12 pm)