

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 28 February 2012 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

## 176. **DECLARATIONS OF INTEREST**

Minute Number 179 & 180 – W11/0804 and W11/0805 CA – 2 Church Street, Barford, Warwick

Councillor Rhead declared a personal interest because the application site was in his Ward.

Minute Number 181 – W11/0968 – Puck's Lair, 2 Sherbourne Court, Vicarage Lane, Sherbourne

Councillor Rhead declared a personal interest because the application site was in his Ward.

Minute Number 182 – W10/1406 – The Punchbowl, Rising Lane, Lapworth

Councillor Brookes declared a personal interest as a member of CAMRA.

Minute Number 189 – W11/1161 – Tantara Gate House, Abbey Fields, Bridge Street, Kenilworth

Councillors Brookes, Copping, Dean, Mrs Higgins, Kinson, MacKay, Rhead and Weed declared personal interests because the applicant was Warwick District Council.

Councillor Mrs Blacklock declared a personal interest because the applicant was Warwick District Council and the site was located in close vicinity to her own residence.

Councillor Illingworth declared a personal and prejudicial interest because the applicant was Warwick District Council and his wife had been extensively involved in the application. Councillor Illingworth left the room whilst the item was discussed and Councillor MacKay chaired the meeting for the duration of the item.

## 177. **MINUTES**

The minutes of the meetings held on 7 February 2012 were not discussed and were consequently deferred.

## 178. **W08/1717 – 2-24 KENILWORTH STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application from Kigass Ltd for the demolition of 1950's buildings, the restoration of Irwin Hall and its conversion to ten

## **PLANNING COMMITTEE MINUTES (Continued)**

flats with the retention of the adjoining house as a single dwelling. The new build application would form twenty flats, four shops and a car park.

The officer requested that the item be deferred to allow further negotiations to take place, at the request of the applicant.

**RESOLVED** that item W08/1717 be DEFERRED at the request of the applicant.

### **179. W11/ 0804 – 2 CHURCH STREET, BARFORD**

The Committee considered an application from Ms D Hope for the demolition of the existing property with a proposed replacement two bedroom dwelling, together with an additional two bedroom dwelling to the rear.

The application was presented to the Committee because it was recommended for approval, contrary to the views of Barford, Sherbourne and Wasperton Joint Parish Council.

The Committee attended a site visit on 25 February 2012 as the Chairman felt it would be beneficial to them in reaching their decision.

The case officer considered the following policies to be relevant:

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

Barford Village Design Guide (2009)

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)

Sustainable Buildings (Supplementary Planning Document - December 2008)

RAP1 - Directing New Housing (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)

RAP3 - Replacement Dwellings (Warwick District Local Plan 1996 - 2011)

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

Open Space (Supplementary Planning Document - June 2009)

DP5 - Density (Warwick District Local Plan 1996 - 2011)

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

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

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

RAP4 - Providing Rural Affordable Housing (Warwick District Local Plan 1996 - 2011)

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

Vehicle Parking Standards (Supplementary Planning Document)

It was the case officer's opinion that the development would not cause unacceptable harm to the architectural and historic character of the

## **PLANNING COMMITTEE MINUTES (Continued)**

Conservation Area within which the site was located, highway safety, the amenity of any neighbouring dwellings, or serious harm to the health of the protected Cedar tree. The size, siting, and relationship to surrounding buildings and the Conservation Area, and the need for affordable housing and housing generally within the District were considered to constitute special justification to warrant granting planning permission contrary to Policies RAP1 and RAP4.

Mr Chris Magson addressed the Committee in objection to the application and stated that he felt there would be a loss of light due to the loft conversion and made reference to the application not adhering to the Barford Design Statement.

Mr Terry Hart addressed the Committee in support of the application and highlighted that the applicant had worked hard to find an acceptable scheme. He stated that it would be a positive development, with off street parking and was in keeping with the village. The applicant hoped that the development would help to revitalise this key landmark site.

The Committee were concerned that there was a time constraint on the affordable housing aspect of the application and felt that this should be in perpetuity. Some members felt that the policy should be flexible and the application would be a welcome regeneration of this run down site.

It was proposed, and duly seconded, that the application be granted as per the officers recommendations. This was put to the vote and lost 3 votes to 5.

Councillor Rhead was concerned that there would be a loss of light to the southerly neighbour and requested that an independent arboricultural officer inspect the cedar tree on the site. In addition, Members felt that the application did not comply with Policy, there was a potential loss of light to neighbouring residents and the affordable housing aspect needed to be reinvestigated.

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 deferred to allow for re-negotiation on the affordable housing aspect of the application.

**RESOLVED** that application W11/0804 be DEFERRED to allow for further negotiations to take place regarding the affordable housing aspect.

### **180. W11/ 0805 CA – 2 CHURCH STREET, BARFORD, WARWICK**

The Committee considered an application from Ms D Hope for the demolition of the existing property at 2 Church Street.

The application was presented to the Committee because the related application, W11/0804, was recommended for approval Barford, Sherbourne & Wasperton Parish Council had objected. The application was also contrary to Local Plan Policy RAP1.

## **PLANNING COMMITTEE MINUTES (Continued)**

The Committee attended a site visit on 25 February 2012 as the Chairman felt it would be beneficial to them in reaching their decision.

The case officer considered the following policies to be relevant:

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

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

It was the case officer's opinion that 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 report and presentation, along with representations made at the meeting, the Committee was of the opinion that the application should be deferred in line with the decision made regarding the related application W11/0804.

**RESOLVED** that application W11/0805 CA be DEFERRED in consequence of the related application W11/0804 being deferred for further negotiations to take place regarding the affordable housing aspect.

### **181. W11/ 0968 – PUCK'S LAIR, 2 SHERBOURNE COURT, VICARAGE LANE, SHERBOURNE, WARWICK**

The Committee considered a retrospective application from Dr M Attariani for the construction of garden decking.

The application was presented to the Committee because an objection had been received from Barford, Sherbourne and Wasperton Parish 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)

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

Planning Policy Statement 25 : Development and Flood Risk

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

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

It was the case officer's opinion that the 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 or result in increased flood risk and was therefore considered to comply with the policies listed.

Councillor Antoinette Gordon addressed the Committee on behalf of Barford, Sherbourne and Wasperton Parish Council, who objected on the grounds that the structure constituted an obstacle to flood water.

## **PLANNING COMMITTEE MINUTES (Continued)**

Councillor Gordon explained the development history of the site and highlighted the dangers of its location in the flood plain. She requested that an additional condition be added stating that the decking be set back from the brook.

The applicant, Dr Attariani addressed the committee, and stated that he had a good relationship with all of his neighbours, except one and believed that this was the reason for the objection to the decking. Mr Attariani did not feel that the structure could obscure the view from his neighbour's garden and highlighted that it was within the set measurements.

Councillor Kinson suggested that, in hindsight, the Committee should have visited this site on their previous trip, and proposed the application be deferred until a visit could be undertaken. This was seconded, put to the vote but lost 3 votes to 7.

The Committee noted the comments made by the Environment Agency and suggested that an additional condition be added regarding the approval of materials and finishes. In addition, the Committee agreed with the suggested condition requested by the Environment Agency which referred to amended plans and mitigation measures.

Reference was made to the lack of access to the manhole cover, which the decking now covered. Members were advised, however, that this was not a planning matter and were reminded that the applicant still had to gain the required written consent under the Water Resources Act 1991 and the Land Drainage Byelaws.

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 with the condition from the Environment Agency contained within the addendum. Councillor Brookes suggested an additional condition which would ensure that suitable materials and finishes be agreed with officers prior to installation.

**RESOLVED** that application W11/0968 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be altered within three calendar months of the date of this decision in strict accordance with the details shown on the application form, amended site location plan submitted on 18 November 2011, approved drawing(s) (5599-01 submitted on 25 January 2012) and in accordance with the structural calculations

## **PLANNING COMMITTEE MINUTES (Continued)**

submitted by Brazier Holt received on 25 January 2012, 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) within one month of the date of this permission, the handrail to the decking hereby permitted shall be removed in its entirety for the lifetime of the development. No handrail or other means of enclosure or barrier may be attached to the decking hereby permitted at any time thereafter. **REASON:** In the interests of flood safety, in accordance with the requirements of PPS25;

- (4) The development permitted by this planning permission shall only be carried out in accordance with the approved Amended Plans and the following mitigation measures detailed within the FRA:

- 1. There must be no raising of ground levels within the floodplain of the Sherbourne Brook. The decking should be installed to be flush with the surrounding ground levels.*
- 2. There must be suitable anchoring of the whole structure to ensure that the decking is not dislodged in a flood event as agreed with the Local Planning Authority and Building Control, and the anchoring shall be retained for the life of the development."*

Reason : 1. To reduce the impact of flooding on the proposed development and future occupants; and

- (5) That all materials & finishes be subject to prior written approval by Planning officers.

### **182. W10/1406 – THE PUNCHBOWL, RISING LANE, LAPWORTH**

The Committee considered an application from Westbourne Leisure Limited and Mr J Feeney for the erection of a two storey rear extension and an increase in roof height, with the insertion of dormer windows plus internal alterations to create ten hotel bedrooms.

## **PLANNING COMMITTEE MINUTES (Continued)**

The application was presented to the Committee because it raised such significant issues that the Head of Development Services felt it prudent to refer the application to Committee for a decision.

The Committee attended a site visit on 25 February 2012 because the Chairman had felt it would be beneficial to them when reaching a decision.

The case officer considered the following policies to be relevant:

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

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

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Warwickshire Landscape Guidelines SPG

Planning Policy Guidance 2 : Green Belts

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)

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

Vehicle Parking Standards (Supplementary Planning Document)

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

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

RAP16 - Directing New Visitor Accommodation (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 this green belt area and the case made by the applicant was considered to represent very special circumstances, sufficient to outweigh the harm caused to the Green Belt by reason of inappropriateness.

Officers felt that the proposed development was of an acceptable standard of design which would harmonise with the design and appearance of the existing building and its surroundings, and did not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect or noise. The impact upon the highway safety was considered acceptable and the development was therefore considered to comply with the policies listed.

The Committee felt that the site visit had proved useful earlier in the week and that the financial viability of the business justified the exceptional circumstances.

It was proposed and duly seconded that the application be granted with an amendment to condition 5, to ensure that there were disabled parking spaces included in the allocation.

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.

## **PLANNING COMMITTEE MINUTES (Continued)**

**RESOLVED** that W10/1406 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(s) (05, 06, 07, 08 and 09), and specification contained therein, submitted on 18 November 2010 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (in the form of a method statement to include timing of works, replacement or retained roost details, in addition to monitoring and further survey if deemed necessary) has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.  
**REASON**: To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (4) 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 or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. 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



## **PLANNING COMMITTEE MINUTES (Continued)**

Policy DP13 in the Warwick District Local Plan 1996-2011;

- (5) in accordance with vehicle parking standards, before the works hereby permitted are commenced, a minimum of 26 parking spaces, to include two disabled parking spaces, must be provided and made available for such purposes at all times for use by staff and patrons associated with the business. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (6) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

### **183. W11/1411 – 16 MOSELEY ROAD, KENILWORTH**

The Committee considered an application from Mr B Flippance for the construction of a new 1.5 storey rear extension to an existing bungalow.

The application was presented to the Committee because an objection had been received from Kenilworth 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)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
The 45 Degree Guideline (Supplementary Planning Guidance)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Sustainable Buildings (Supplementary Planning Document - December 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.

An addendum was circulated prior to the meeting which detailed further comments made by Kenilworth Town Council.

## **PLANNING COMMITTEE MINUTES (Continued)**

Following consideration of the report and presentation, along with the information contained in the addendum, the Committee was of the opinion that the application should be granted.

**RESOLVED** that W11/1411 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(s) MOS RD-2 03 Rev A, 04 Rev A and specification contained therein, submitted on 08/11/11 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) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and
- (4) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof (externally and internally) of the main building to be affected. All roofing material and associated features are to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this

## **PLANNING COMMITTEE MINUTES (Continued)**

operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England.

Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings.

**Reason:** To ensure that protected species are not harmed by the development.

### **184. W11/1451 – MORTIMER HOUSE, 52 KENILWORTH ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr Kohli for the erection of a detached garage and workshop in the rear garden.

The application was presented to the Committee at the request of Councillor De-Lara-Bond.

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)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
The 45 Degree Guideline (Supplementary Planning Guidance)  
Distance Separation (Supplementary Planning Guidance)  
Vehicle Parking Standards (Supplementary Planning Document)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)

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

An addendum was circulated at the meeting which included further comments from a neighbouring resident and a detailed response from Councillor De-Lara-Bond who was not content with the installation of electric gates and felt that the size and scale of the proposed garage was inappropriate.

## **PLANNING COMMITTEE MINUTES (Continued)**

The officer outlined the amended plans which now showed an application for a one storey development not one and a half storeys, as previously applied for. The officers were therefore recommending grant because they did not feel that the structure was disproportionate.

The Committee felt that it would be prudent to visit the site in order to appreciate the surrounding area and scale of the existing buildings.

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 deferred to allow a site visit to take place.

**RESOLVED** that W11/1451 be DEFERRED to allow a site visit to take place.

### **185. W11/1457 – MORTIMER HOUSE, 52 KENILWORTH ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr Kohli for the demolition of an existing single storey side extension and the erection of a replacement single storey side extension. The application also included the demolition of an existing front boundary wall and the erection of replacement front boundary wall and gates.

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council and Councillor De-Lara-Bond had requested it come before the Committee.

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)  
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)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Vehicle Parking Standards (Supplementary Planning Document)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
The 45 Degree Guideline (Supplementary Planning Guidance)

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 and would be acceptable in terms of highway safety and complied with the policies listed.

## **PLANNING COMMITTEE MINUTES (Continued)**

The case officer directed members to the addendum which stated that the applicant had now submitted plans omitting the gates, following an objection from County Highways. In addition, the application included removal of a boundary wall and hedgerow, which the officer highlighted was not an issue because it was not protected.

The Committee felt that this was an improvement on the existing structure and questioned the necessity of the boundary wall.

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that this application should be deferred to allow a site visit to take place, in line with the related application W11/1451.

**RESOLVED** that W11/1457 be DEFERRED to allow a site visit to take place.

### **186. W11/1516 CA – MORTIMER LODGE, 52 KENILWORTH ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr Kohli for the demolition of the existing front boundary wall.

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council and Councillor De-Lara-Bond had requested it come before the Committee.

The case officer considered the following policies to be relevant:

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

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

It was the case officer's opinion that the proposed demolition would not result in harm to the character or appearance of the Conservation Area and the proposal is considered to comply with the policies listed.

Following consideration of the report and presentation, along with representations made at the meeting, the Committee was of the opinion that this application should be deferred to allow a site visit to take place, in line with related applications W11/1451 and W11/1457.

**RESOLVED** that W11/1516 CA be DEFERRED to allow a site visit to take place.

### **187. W11/1624 – 131-137 REGENT STREET AND 40 KENILWORTH STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application from Midland Assured Ltd for the demolition of the rear portion of existing retail unit; division of existing retail unit into 4 number retail units and erection of single storey rear extension; installation of new shopfronts; and the erection of 2 number two storey houses and a three storey block of 4 flats.

## **PLANNING COMMITTEE MINUTES (Continued)**

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council and it was recommended that 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)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
TCP13 - Design of Shopfronts (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)  
Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Open Space (Supplementary Planning Document - June 2009)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
The 45 Degree Guideline (Supplementary Planning Guidance)  
Distance Separation (Supplementary Planning Guidance)  
TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)

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, would be acceptable in terms of highway safety and was considered to comply with the policies listed.

Following consideration of the report, the Committee were satisfied that the application would deliver a positive contribution to the town and were happy to grant the application as per the officers' recommendations.

**RESOLVED** that W11/1624 be GRANTED subject to:

(1) a Section 106 agreement to secure the following;

(a) a contribution of £8,792 towards the provision or enhancement of public open space;

## PLANNING COMMITTEE MINUTES (Continued)

- (b) a contribution of £2,376 towards the provision of increased police infrastructure; and
  - (c) to waive the rights of occupants of the development to apply for resident's parking permits; and
- (2) the following conditions:
  - (a) 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;
  - (b) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 2661-400D, 2661-401D, 2661-402E, 2661-404, 2661-405, 2661-406, & 2661-206A, and specification contained therein, submitted on 12 December 2011, 20 December 2011, 1 February 2012 & 15 February 2012, 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;
  - (c) 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, rainwater goods, gates, the door case, archway and the shopfronts 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;
  - (d) none of the dwellings hereby permitted shall be first occupied unless and until:
    - (a) details of a scheme for the extension, provision of toilets, provision of new shopfronts

## **PLANNING COMMITTEE MINUTES (Continued)**

and fitting out to a shell specification of the retail units numbered 1-4 on the approved plans have been submitted to and approved in writing by the District Planning Authority; and (b) the scheme approved under (a) has been completed in strict accordance with approved details.

**REASON :** As the proposals include the demolition of retail floorspace, these works are necessary to ensure that the proposals preserve the vitality and retail viability of this part of the town centre, in accordance with Policy TCP2 of the Warwick District Local Plan;

- (e) 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;

- (f) 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 Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

- (g) the development hereby permitted shall not commence until space has been provided within the site for the parking/loading/unloading of vehicles in accordance with details to be approved in writing by the District Planning Authority.

**REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (h) no development shall commence unless and until a vehicular access has been provided to the site not be less than 5 metres wide for a distance of at least 7.5 metres into the site, as



## **PLANNING COMMITTEE MINUTES (Continued)**

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;

- (i) the vehicular access to the site shall not be used in connection with the development hereby permitted unless and until it has been surfaced with a suitable bound material for a distance of 7.5m into the site as measured from the near edge of the public highway carriageway, in accordance with details that shall have been submitted to and approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (j) the access to the site for vehicles shall not be used in connection with the development hereby permitted 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;
- (k) gates provided at the entrance to the site shall not be hung so as to open to within 7.5 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;
- (l) the development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so as to enable the largest vehicle anticipated on site to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (m) the car parking spaces shown on the approved plans shall be allocated to specific dwellings and shall not be offered on a first-come, first-served basis. **REASON** : In the interests of

## **PLANNING COMMITTEE MINUTES (Continued)**

highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (n) the vehicular access for the development hereby permitted shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or ditch.  
**REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (o) the proposed car parking area for the development 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. The car parking area shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted, unless agreed otherwise in writing by the District Planning Authority. **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;
- (p) the cycle parking provision shown on the approved plans shall be completed before any of the dwellings hereby permitted are first occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority.  
**REASON** : To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (q) all window and door frames and the new shopfronts shall be constructed in timber and shall be painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (r) all rainwater goods for the development hereby permitted shall be metal. **REASON** : To

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (s) the roofing material for the development shall be natural slate. **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;
- (t) none of the dwellings hereby permitted shall be occupied unless and until the bin stores have been provided in strict accordance with the approved plans. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (u) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (v) all hard surfaces hereby approved shall be made of porous materials. **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; and
- (w) prior to the occupation of the development hereby permitted, the following windows shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening:
  - (a) the bottom half of the first floor windows in the west facing elevation of Units 5 & 6;
  - (b) the bottom half of the first and second floor windows in the west facing elevation of Units

## **PLANNING COMMITTEE MINUTES (Continued)**

1, 3 & 4; and  
(c) the whole of the first floor window in the north elevation of Unit 5.

The obscured glazed windows shall be retained and maintained in that condition at all times.

**REASON** : To protect the privacy of users and occupiers of nearby properties and the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

### **188. W11/1099 – KENILWORTH WEEKLY NEWS, 31 WARWICK ROAD, KENILWORTH**

The Committee considered an application from Mr M Page for the change of use of the upper floor to use class CS (residential).

The application was presented to the Committee because Kenilworth Town Council were in support of the application and officers were recommending refusal.

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)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
Vehicle Parking Standards (Supplementary Planning Document)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
Open Space (Supplementary Planning Document - June 2009)  
Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the case officer's opinion that the proposal was in close proximity to a Public House with a rear garden area and a take-away, which would both give rise to noise disturbance from customers and external mechanical ventilation, with the added risk of odour pollution from the take away. Policy DP2 of the Warwick District Local Plan 1996-2011 stated that development would not be permitted that did not provide acceptable standards of amenity for future occupiers of the development.

The property was also in an air quality management area and as such there was poor air quality and no measures had been proposed to mitigate these impacts.

In the officer's opinion the proposed residential unit did not provide acceptable amenity for the future occupiers and was contrary to the aforementioned policy.

## **PLANNING COMMITTEE MINUTES (Continued)**

An addendum was circulated at the meeting which contained a statement from the applicant requesting reconsideration of the officer's recommendation.

The Committee were concerned that there had not been enough communication between officers and the applicant regarding the opportunity to amend the proposal. The officer stated that the applicant was aware of potential mitigating measures that could be put in place for the application to be accepted, but as yet had not made any amendments to their application.

It was proposed and duly seconded that the application be granted, contrary to the officers recommendation, because it was in accordance with the town centre policies of the Local Plan. There was a general feeling that the applicant was not able to do anything about the officer's reasons for refusal. Officers advised that due to the site being located in a poor air quality area, conditions would need to be included regarding non-opening windows on the front elevation.

This proposal was put to the vote and was drawn 5 votes to 5. The Chairman exercised his right to use his casting vote, and the proposal to grant was lost.

The Chairman, therefore, proposed that the application be refused in accordance with the advice from officers. This vote was won with the Chairman again using his casting vote.

**RESOLVED** that W11/1099 be REFUSED for the following reason:

Policy DP2 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will not be permitted that does not provide acceptable standards of amenity for future occupiers of the development. The proposal is in close proximity to a Public House with a rear garden area and a take-away which would both give rise to noise disturbance from customers and external mechanical ventilation, and the risk of odour pollution from the take away use.

The property is also in an air quality management area and as such there is poor air quality and no measures have been proposed to mitigate these impacts.

The proposed residential unit does not provide acceptable amenity for the future occupiers and is therefore contrary to the aforementioned policy.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **189. W11/1161 – TANTARA GATE HOUSE, ABBEY FIELDS, BRIDGE STREET, KENILWORTH**

The Committee considered an application from Warwick District Council for the proposed new roof soft capping at the above property.

The application was presented to the Committee because the Council was the applicant.

The case officer considered the following policies to be relevant:

DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

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

Planning Policy Statement 5 : Planning for the Historic Environment

It was the case officer's opinion that that the proposed work would not harm the scheduled monument or its setting in accordance with Policy DP4 and DAP11 of the District Wide Local Plan 1996-2011 and was essential for the longevity of this important ancient monument as it prevented water damage to the structure.

The Committee were concerned that the report not only lacked detail but contained errors. They were mindful that this was not St Mary's cemetery but was attached to St Nicholas church. In addition, they highlighted that all of Abbey Fields was a scheduled monument not just the gatehouse and the report could have had more rationale regarding the status of the scheduled monument.

Members found it difficult to imagine how the monument would look and suggested that a clear Perspex umbrella would be a more realistic solution. Officers agreed to confirm what an Ashlar effect was.

However, the Committee were mindful that the work would comply with PPS5, which made it difficult for them to refuse permission.

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.

**RESOLVED** that W11/1161 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

## **PLANNING COMMITTEE MINUTES (Continued)**

carried out strictly in accordance with the details shown on the application form, site location plan and approved drawings 17831A-1, HPS/TGH/01, HPS/TGH/02, and specification contained therein, submitted on 20/09/11 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; and

- (3) the development hereby permitted (including demolition) shall not commence until further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON**: To ensure that protection species are not harmed by the development and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011. Note: The bat mitigation measures are likely to have implications for the design and/or layout of the development.

(Councillor Illingworth left the room whilst this item was discussed and Councillor MacKay took the chair)

### **190. PROPOSED REVISION TO THE OPERATION OF PLANNING FORUM**

The Committee considered a report from Civic and Committee Services which brought forward a proposal for amendments to the operation of the Planning Forum and also established a clearly defined purpose.

Officers of the District Council have felt for some time that Planning Forum was struggling and needed a defined remit. Following a survey of members in 2011 it was found that members of the forum agreed.

A draft proposal was outlined to the Forum in September 2011 and consulted on at the end of 2011. No negative comments on proposals were received but some aspects of clarification were included within the proposal as an outcome of the consultation.

The Planning Forum considered the proposal at its meeting on 2 February 2012 and made some minor changes.

An appendix was attached to the report which explained the purpose of the forum, the frequency of meetings and the make up of the forum.

### **PLANNING COMMITTEE MINUTES (Continued)**

Officers advised that there was a possibility of advertising the forum to all Parishes within the District to encourage more community involvement, which the Committee endorsed.

In addition, Members were pleased that the Vice Chairman of Planning Committee would be chairing the Forum and felt this provided a clear link between the two groups.

Having received the report and heard from officers, the Committee agreed that the revised purpose and definition be submitted to Executive for approval.

**RESOLVED** that the proposed purpose and definition of Planning Forum be submitted to the Executive for approval.

(The meeting ended at 9.30pm)