

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 18 October 2011 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.

## 96. **DECLARATIONS OF INTEREST**

Minute Number 100 – W11/ – 4 Hawkes Hill Close, Norton Lindsey

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

Minute Number 101 – W11/ - Fernhill Farm, Rouncil Lane, Kenilworth

Councillors Mrs Blacklock, Copping, Mrs Higgins and MacKay declared personal interests because the applicant was a former District Councillor.

Councillor Illingworth declared a personal and prejudicial interest because the applicant was a former District Councillor and they were both members of the Kenilworth branch of the Conservatives.

Minute Numbers 103 & 104 – W11/1065 and W11/1066 LB – V2 Wine Bar, Station Road, Kenilworth

Councillors Mrs Blacklock and Illingworth declared personal interests because the application site was in their Ward.

Minute Number 105 – W11/1125 – 58 Princes Drive, Royal Leamington Spa

All Councillors present declared a personal interest because the applicant was a Warwick District Council employee.

Minute Number 106 – ENF 168/23/11 – 5 Mallory Road, Bishops Tachbrook

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

## 97. **MINUTES**

The minutes of 28 September 2011 were taken as read and signed by the Vice Chairman as a correct record.

## 98. **W11/0512 – 19 BATH STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr H S Mangat for the change of use of first and second floors to 2 no. apartments in multiple occupation (Use Class C4); change of use of part of ground floor to offices; removal of existing external staircase and erection of 3 storey extension to enclose new staircase; external alterations including the insertion of new

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

and replacement windows and door; alterations to existing shop fronts; changes to car parking layout; and provision of bin and cycle storage.

The application was presented to the Committee because an objection was received from Royal Leamington Spa Town Council who felt that there was inadequate car parking provision for both residents and the existing shop together with the loss of the current loading bay servicing the shop, which would adversely impact on traffic movements both in the location and the surrounding streets.

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)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
UAP2 - Directing New Employment Development (Warwick District Local Plan 1996 - 2011)  
TCP2 - Directing Retail Development (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)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Open Space (Supplementary Planning Document - June 2009)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Vehicle Parking Standards (Supplementary Planning Document)  
Planning Policy Statement 25: Development and Flood Risk

In the case officer's opinion, 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 not pose an unacceptable flood risk and was therefore considered to comply with the policies listed in the report.

An addendum was circulated at the meeting which advised of details of modifications to the cycle store and amended condition 2 to reflect the new drawing numbers.

Members raised concerns regarding the location of the new staircase which could block light to residents and the removal of the existing staircase with regard to fire safety regulations. Officers advised that any fire regulations would be an issue for the Building Regulations department.

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

Councillor Brookes stated that he felt all the issues raised by the Town Council had been addressed in the report and by the officers present and proposed that the application be granted.

Following consideration of the report and presentation, along with the information contained in the addendum, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation.

**RESOLVED** that W11/0512 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 1352/02E, 1352/04E & 1352/06C, and specification contained therein, submitted on 26 August 2011 & 18 October 2011, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of the shopfront, 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;
- (4) 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

## PLANNING COMMITTEE MINUTES (Continued)

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;

- (5) neither of the dwellings hereby permitted shall be occupied until the bin store has been constructed 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;
- (6) the cycle provision shown on the approved plans shall be completed before the dwellings hereby permitted are occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (7) the area indicated on the plans hereby approved for vehicle parking and manoeuvring space shall at all times be kept free of obstruction and be available for those purposes. **REASON** : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (8) all window frames shall be constructed in timber and shall be painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;
- (9) all rainwater goods for the development hereby permitted shall be metal. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and

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

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

- (10) neither of the dwellings hereby permitted shall be occupied until two flood water sensors have been installed at a level of 50.45mAOD. Each sensor should be wired independently and should have a separate battery back-up supply. Residents should evacuate the building when the sensors are triggered. The sensors shall be retained and kept in working order at all times that the dwellings are occupied.

**REASON :** To mitigate flood risk, in accordance with Planning Policy Statement 25: Development and Flood Risk;

- (11) neither of the dwellings hereby permitted shall be occupied until their residential addresses have been signed up to receive the Environment Agency's Flood Warning Service. When a flood warning is issued for the River Leam in Leamington, all occupants should evacuate the application property until the flood warning has been lifted. The dwellings shall remain signed up to the Flood Warning Service at all times that they are occupied.

**REASON :** To mitigate flood risk, in accordance with Planning Policy Statement 25: Development and Flood Risk;

- (12) neither of the dwellings hereby permitted shall be occupied until flood warning notices have been displayed within the building in accordance with details that shall have been submitted to and approved in writing by the District Planning Authority. The notices shall be retained in accordance with the approved details at all times thereafter. **REASON :** To mitigate flood risk, in accordance with Planning Policy Statement 25: Development and Flood Risk;

- (13) neither of the dwellings hereby permitted shall be occupied until a Flood Management Plan has been submitted to and approved by the District Planning Authority. The Flood Management Plan shall include the following information:
- (a) triggers for the response;
  - (b) clear roles and responsibilities for occupants;
  - (c) suitable contact numbers and sources of additional information for occupants;
  - (d) a clear set of actions for each phase

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

- of the response;
- (e) provision for regular updating and testing of the document; and
- (f) details of the safe means of escape to dry land.

The Flood Management Plan shall be implemented in strict accordance with the approved details at all times that the dwellings hereby permitted are occupied. The Flood Management Plan shall be issued to all prospective purchasers or tenants of the dwellings. **REASON :** To mitigate flood risk, in accordance with Planning Policy Statement 25: Development and Flood Risk; and

- (14) the level of noise from the air source heat pumps, measured one metre from facade of any noise sensitive premises, shall not exceed the background level by more than 3dBA.

**REASON :** To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

### **99. W11/0654 – 22 PRINCES DRIVE, ROYAL LEAMINGTON SPA**

The Committee considered a retrospective application from Mr Metcalfe for the demolition of a single storey building, the erection of a two storey side extension and single storey rear extension.

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council who felt that the proposed extension would create a terracing effect.

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)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Vehicle Parking Standards (Supplementary Planning Document) November 2007  
Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the case officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

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

Officers advised the committee on what would be classed as permitted development at this property and highlighted that there had been no objections received from neighbouring properties.

The car parking allocation was also discussed and officers stated that the report was inaccurate because it should have stated that the property would need two car parking spaces not three. After some further discussion and investigation of the photographs, members were satisfied that there was little they could object to on planning grounds.

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

**RESOLVED** that W11/0654 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) Proposed Plans and Elevations 2095-04 May 2011, proposed Plans 2095-03 May 2011 and specification contained therein, submitted on 19 May 2011 unless first agreed otherwise in writing by the District Planning Authority.  
**REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) the 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.

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

### **100. W11/0883 – 4 HAWKES HILL CLOSE, NORTON LINDSEY, WARWICK, CV35 8JZ**

The Committee considered a retrospective application from Mr M Taylor for a support sloping earth bank and natural timber decking over the existing lawn.

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

The Committee had undertaken a site visit prior to the meeting to assist them in reaching a decision.

The case officer considered the following policies to be relevant:

Planning Policy Guidance 2 : Green Belts

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

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

It was the case officer's opinion that the proposed development site was situated within the Green Belt and Planning Policy Guidance Note 2 stated that, within the Green Belt, the open character of the area would be retained and the visual amenities of the Green Belt should not be injured.

There was a general presumption against inappropriate development in the Green Belt and lists specific forms of development which can be permitted in appropriate circumstances. Officers did not feel that the proposed development fell within any of the categories listed in the Guidance and, in the Planning Authority's view, very special circumstances sufficient to justify the development have not been demonstrated. Moreover, its scale, height and location was considered to harm the visual amenities of the Green Belt contrary to PPG2.

Mr Taylor addressed the committee in support of his application and apologised for the lack of planning permission. He advised that this was a genuine mistake and he had not believed he needed it for decking. He accepted the fact that the wood looked very new but hoped that with time it would weather along with plans for future planting of Virginia Creeper. He stated that the structure had been erected to allow his elderly mother safe access to the garden area which had previously sloped at a 45 degree angle and was in a poor state.

Members were sympathetic with the officer's comments regarding the integrity of the green belt but were mindful that this integrity had probably been compromised when the new houses were built, five years ago.

Following the site visit, some members were satisfied that the similar construction at the neighbouring property had weathered sufficiently and were confident that this structure would do the same.

Officers advised that the structure next door was under an enforcement investigation and it was discussed if this permission should be deferred until a decision had been agreed on the neighbour's structure. The majority of the committee, however, did not feel that this was relevant to the application before them.

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

The majority of the committee felt that new structure was an improvement on what had appeared to be an unusable area of garden due to its extreme slope. In addition, they felt that it could be argued that to remove the structure would be contrary to policy DP2 on the grounds that the decking maintained a level of amenity for the residents.

There was some discussion regarding staining or painting the wood to help the structure blend into its surroundings but members were mindful that this task could be delegated for officers if the appropriate condition were to be added.

Following consideration of the report and presentation, and having heard the representations made, the Committee were of the opinion that the application should be granted contrary to the officers recommendation and subject to the additional condition regarding the submission of suitable landscaping details and colour treatment.

**RESOLVED** that W11/0883 be

- (1) GRANTED contrary to the officer's recommendation for the following reason:

there was limited harm to the Green Belt due to its style and location in the context of the surrounding buildings and that very special circumstances outweighed the harm by virtue of the extreme slope of the garden and the consequent safety concerns for its use by older people and young children; and

- (2) subject to a condition regarding the submission of suitable landscaping details and colour treatment

### **101. W11/0904 – FERNHILL FARM, ROUNCIL LANE, KENILWORTH**

The Committee considered an application from Mr and Mrs Cockburn for the installation of solar photo voltaic system on an existing barn roof.

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

Having declared a personal and prejudicial interest, the Chairman, Councillor Illingworth, left the room for the duration of the item and Councillor MacKay chaired the meeting in his capacity as Vice Chairman.

The case officer considered the following policies to be relevant:

RAP9 - Farm Diversification (Warwick District Local Plan 1996 - 2011)  
Planning Policy Guidance 2 : Green Belts  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

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

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

Officers advised that the application had to be balanced between the harm to the green belt and the wider environmental and economic benefits. Some members agreed that the application was commendable whereas some felt that significant harm had already been done to the green belt by allowing the storage of caravans on site.

Following consideration of the report and presentation, the Committee were of the opinion that the application be granted as per the officer's recommendation.

**RESOLVED** that W11/0904 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; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (Location plan scale 1:1250 submitted on 7 July 2011; Section by EOS Energy submitted on 8 August 2011), 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 Policy DP13 of the Warwick District Local Plan 1996-2011.

### **102. W11/0989 – 1 CHARLOTTE STREET, ROYAL LEAMINGTON SPA**

The Committee considered a retrospective application from Mr Tara for the erection of one front dormer window and one rear dormer window.

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council who felt that the front dormer window was out of keeping with the windows on similar properties in the street.

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)

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

DAP9 - Unlisted Buildings in 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)

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 was therefore considered to comply with the policies listed.

Information was circulated in an addendum which included comments from Warwick District Conservation Area Advisory Forum and from Ecology.

A few members agreed with the Warwick Districts Conservation Area Advisory Forum comments detailed in the report, who felt that the front dormer was not of an acceptable design. They were however, mindful that the street consisted of a diverse range of styles.

There was some discussion regarding the materials which officers clarified using the applicant's drawings and regarding the Ecology comments concerning bats.

Following consideration of the report and presentation, and the information contained in the addendum, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation.

**RESOLVED** that W11/0989 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 789-03 Mar 2011, and specification contained therein, submitted on 4 Aug 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) 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; and
- (4) all window frames shall be constructed in timber and shall be painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011. (CA) / To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011. (LB)

### **103. W11/1065 – V2 WINE BAR, 48 STATION ROAD, KENILWORTH**

The Committee considered an application from Mr Paul Murphy for the display of internally illuminated lettering in polished stainless steel (V2) and non-illuminated stainless steel letters (wine bar and bar & grill).

The application was presented to the Committee to request that enforcement action be taken and was taken in conjunction with Minute Number 104 – application W11/1066 LB which dealt with the listed building status.

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

It was the case officer's opinion that the proposed signs would not be overly visible within the main shopping area, and the proposed advertisement would be out of character with other signs within Station Road. In addition, due to their very prominent position, size and modern design, officers felt the signs would have a serious detrimental impact on the street scene, contrary to Policy DP1 of the Local Plan.

Furthermore, as the application building was Grade II Listed, it was felt that the characters were too large and did not respect the building's character, appearance or integrity. In addition, the high level lettering was of a non-traditional design and had a 'stuck on' appearance which was not acceptable in its present form. This would seriously overpower the existing features on the Listed Building, adversely affecting its special architectural character contrary to Policy DAP4 of the Local Plan.

With regard to the impact on the visual amenity, it was felt that the proposed advertisement would not seriously impact on any neighbours

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

light, outlook or privacy, however, the proposed sign would impact on the visual amenity of nearby residents/uses and, therefore, was contrary to Policy DP2 of the Local Plan.

The report therefore requested that the application be refused, subject to the refusal reasons listed in the report and officers be authorised to take appropriate enforcement action to remove the existing advertisements on the building of similar design, size and illumination within 3 months.

Some members requested clarification on the decision being sought at the meeting and were made aware of exactly what the applicant was asking for. Members were reminded of the dimensions of the lettering and how part of this hung over the recessed doorway.

Members felt that the lettering was too large and affected the character of the listed building, in addition, it was not felt that the positioning of the signage was not suitable to attract passing trade. It was also noted that no objection had been received from Kenilworth Town Council and a minor amendment was suggested to the wording of the first refusal reason.

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

### **RESOLVED** that W11/1065 be

#### **(1) REFUSED for the following reasons:**

Policy DAP4 of the Warwick District Local Plan 1996-2011 states that development which adversely affects the special architectural or historic interest of listed buildings will not be permitted. The proposed advertisement is located on a Listed Building where particular care should be taken for the preservation of the character and appearance of buildings. It is considered that the proposal would be seriously injurious to both the appearance of the building by reason of its size, position and illumination.

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. Furthermore, development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. It is considered the signage will have an impact on the visual amenity of nearby residents and have a serious detrimental impact on the street scene; and

#### **(2) enforcement action be AUTHORISED to remove**

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

the existing advertisements on the building of similar design, size and illumination within three months.

### **104. W11/1066 LB – V2 WINE BAR, 48 STATION ROAD, KENILWORTH**

The Committee considered an application from Mr Paul Murphy for the display of signage on front elevation of a listed building.

The application was presented to the Committee to request that enforcement action be taken and was taken in conjunction with Minute Number 103 – application W11/1065 which dealt with the planning permission for the premises.

The case officer considered the following policy to be relevant:

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

It was the case officer's opinion that the proposed large V2 sign and smaller lower case letters would be acceptable in this instance, due to their size, design and position. As the application building was a Grade II Listed Building, it was considered the characters were too large and did not respect the building's character, appearance or integrity. Furthermore, the high level lettering was of a non-traditional design and had a 'stuck on' appearance which was not acceptable in its present form and would seriously overpower the existing features on this Listed Building, adversely affecting its special architectural character contrary to Policy DAP4 of the Local Plan.

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

**RESOLVED** that W11/1066 LB be

(2) REFUSED for the following reasons:

Policy DAP4 of the Warwick District Local Plan 1996-2011 states that development which adversely affects the special architectural or historic interest of listed buildings will not be permitted. The proposed advertisement is located on a Listed Building where particular care is taken for the preservation of the character and appearance of buildings. It is considered that the proposal would be seriously injurious to both the appearance of the building by reason of its size, position and illumination; and

(2) enforcement action be AUTHORISED to remove the existing advertisements on the building of similar design, size and illumination within three months.

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

### **105. W11/1125 – 58 PRINCES DRIVE, ROYAL LEAMINGTON SPA**

The Committee considered a retrospective application from Mr Makasis for the erection of a single storey side and rear extension together with a new canopy over.

The application was presented to the Committee because the applicant was an employee of Warwick District 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)  
The 45 Degree Guideline (Supplementary Planning Guidance)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
Vehicle Parking Standards (Supplementary Planning Document)  
Sustainable Buildings (Supplementary Planning Document - December 2008)

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.

There was some discussion regarding policy DP13 which dealt with renewable energy provisions and when this could be applied to extensions to dwellings. The Planning Officer advised that a new computer system was available that calculated the percentage of renewable energy provision and could be used by both applicants and officers.

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

**RESOLVED** that W11/1125 be GRANTED subject to the following conditions:

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

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

number 3625/SK01, and specification contained therein, submitted on 2 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; and

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

### **106. ENF 168/23/11 – 5 MALLORY ROAD, BISHOPS TACHBROOK, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr Norris for the erection of a structure to side of a listed building.

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

In June 2011 it was brought to the attention of the Enforcement Section that a new timber construction with a tarpaulin cover, which served as garaging for a single vehicle and storage for building and household equipment, had been erected on the side elevation fronting a highway on the property which was also a listed building.

Contact was made with the owner and he was advised to remove the structure, which he had failed to do up to this time.

A prosecution was pending against the owner for failing to comply with a previous Listed Building Enforcement Notice and altering the same Listed Building without consent, regarding leaded windows in the property, (ACT/025/3/08).

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)  
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)  
DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the unauthorised construction comprised a highly conspicuous and inappropriate feature immediately adjacent to the fabric of the listed building, which not only impacted upon

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

its character and appearance as a building of special architectural or historic interest, but also failed to preserve the character and appearance of the surrounding Conservation Area. Extensive contact had been made with the owner and the situation fully explained but the matter had not been resolved. Officers felt that the service of an enforcement notice was the only option available to rectify this breach in regulations.

Members were in agreement that this was an appalling structure to place on a grade 2 listed building and were disappointed that the applicant had failed to respond to advice from officers.

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

**RESOLVED** that appropriate enforcement action (ENF 168/23/11) be AUTHORISED for the removal of the timber structure and component materials from the site, with a compliance period of 3 months.

### **107. REVIEW OF PLANNING COMMITTEE PROCEDURE**

The Committee received a report from Development Services which highlighted the options open to members when dealing with major applications.

Following recent discussions it was proposed that amendments be made to the procedure for public speaking, to address concerns raised regarding major developments. Many people felt that there was insufficient time given to the public when voicing their support or objection to major developments in the District.

The revised procedure proposed that the time limit for speakers (excluding Warwick District Councillors) be extended to 5 minutes for applications for 'major development', given they are often more likely to raise a greater number of issues, and more complex issues, than 'minor' developments.

In addition, the procedure suggested that discretion be given to the Chair of Planning Committee (or Vice Chair in their absence), in consultation with the Development Manager, to allow up to 15 minutes in total for speakers supporting and up to 15 minutes for speakers objecting to an application for 'major development' (excluding Warwick District Councillors, Town/Parish Council representative, CAAF representative).

Also, the same amount of time allocated for public speakers supporting an application for 'major development' would be allocated to those public speakers objecting, and vice versa, irrespective of the number of speakers (NB: the requirement for balance would also remain for all other applications).

The amended procedure was attached as an appendix to the report.

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

An alternative option was to not make the amendments to the procedure, however, this would not address the concerns raised by members of the public or officers.

Members felt that the proposals would give members of the public greater opportunity to express their views and ensure a more balanced debate especially with the possibility of some major developments coming to the District shortly.

It was therefore proposed, and duly seconded, that the amendments to the procedure be approved.

**RESOLVED** that the amendments to the Planning Committee Procedure be approved.

(The meeting ended at 7.35 pm)