

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 26 July 2011 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Illingworth (Chairman); Councillors Mrs Blacklock, Mrs Bromley, Brookes, Copping, Ms Dean, Mrs Higgins, Weed and Williams.

Councillor Mrs Bromley substituted for Councillor Rhead and Councillor Williams substituted for Councillor Dhillon.

50. **DECLARATIONS OF INTEREST**

Minute Number 53 – W11/0691 – Yards and Buildings at Fernhill Farm, Rouncil Lane Kenilworth

Councillors Mrs Blacklock, Mrs Bromley, Copping, MacKay and Williams declared personal interests because the applicant was known to them.

Councillor Illingworth declared a personal and prejudicial interest because the applicant and he were both officers of the Kenilworth Branch of the Conservative Association and left the room whilst the item was discussed.

Minute Number 55 – W11/0212 – Avon Tavern, Pickard Street, Warwick

Councillor Mrs Bromley declared a personal and prejudicial interest because she had previously made her views known on the application and felt that this had predetermined her decision. She therefore left the room whilst the item was discussed.

Councillor Brookes declared a personal interest because he was a member of CAMRA.

Minute Numbers 57 & 58 – W11/0256 & W11/0257 LB – Regency Business Centre, 81 Warwick Street, Royal Leamington Spa

Councillor Ms Dean declared a personal interest because the application site was in her Ward.

Minute Number 59 – W11/0405 – Denby Buildings, Regent Grove, Royal Leamington Spa

Councillor Ms Dean declared a personal interest because the application site was in her Ward.

Minute Number 62 – ENF 334/37/10 – The Clarendon Arms, 44 Castle Hill, Kenilworth

Councillor Mrs Blacklock declared a personal interest because the premises were in her Ward.

PLANNING COMMITTEE MINUTES (Continued)

Councillor Brookes declared a personal interest because he was a member of CAMRA.

51. MINUTES

The minutes of the meeting held on 5 July 2011 were taken as read and signed by the Chairman as a correct record with a minor typographical error to be amended in minute number 49, which should have read 'a site visit usually preceded the meeting'.

52. TREE PRESERVATION ORDER SUB-COMMITTEE

RESOLVED that Councillors Mrs Blacklock, Brookes, MacKay and Weed be appointed to the Tree Preservation Order Sub-Committee, for the ensuing municipal year.

53. W11/0691 – YARDS AND BUILDINGS AT FERNHILL FARM, ROUNCIL LANE, KENILWORTH

The Committee considered a retrospective application from Mr and Mrs Cockburn for the change of use for caravan and vehicle storage in two redundant agricultural buildings and adjacent yard.

The application was presented to the Committee because the applicant was a former District Councillor and due to the numbers of letters of support received when the recommendation was to refuse.

The Committee had visited the site on 23 July 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:

RAP9 - Farm Diversification (Warwick District Local Plan 1996 - 2011)

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)

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

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

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

RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the application should be refused because the site was situated within the Green Belt and Planning Policy Guidance Note 2 stated that, within the Green Belt, the rural character of the area would be retained and protected. It also contained a general presumption against "inappropriate" development in Green Belt areas and listed specific forms of development which could be permitted in appropriate circumstances.

PLANNING COMMITTEE MINUTES (Continued)

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 departing from this Guidance had not been demonstrated.

Mr Alan Cockburn addressed members in support of the application and advised that the site had been used to store caravans for residents of the District for a number of years and provided an amount of employment. He felt that if he was not able to continue with this, families in the area would have serious security issues regarding storing their caravans at their own properties.

Mr Avery also spoke to members and highlighted that otherwise redundant buildings were being put to good use and had little or no visual impact to nearby residents. As a neighbouring resident himself, he had not encountered any problems with increased traffic or congestion.

Members requested clarification on the rulings behind an area of land being used for a specific purpose for over ten years compared to if this permission would be allowed if it was a fresh application. The officers advised that although the applicant had been able to provide evidence that the larger area of land at the farm had been used for this purpose for over ten years, he was unable to supply evidence for the smaller area of land.

Members felt that the service provided at the farm met a local need and that local business should be supported, especially in the current economic climate. They therefore agreed that the case was more weighted towards providing a need to the community than causing harm to the Green Belt and surrounding area.

It was proposed and duly seconded that the application be granted contrary to the officer's recommendations on the understanding that conditions be included regarding suitable screening to be added to the northern side of the site and that the storage use be restricted to caravans and motorhomes only.

Following consideration of the report, presentation and the representations made at the meeting, the Committee were of the opinion that the application should be granted contrary to the officer's report.

RESOLVED that W11/0691 be GRANTED contrary to the officers recommendations and subject to the following conditions:

- (1) details be submitted of landscape screening to be added to the north side of the site; and
- (2) storage be restricted to caravans and motorhomes.

Councillor Illingworth left the room whilst this application was discussed and the Vice Chairman, Councillor MacKay, led the meeting for this item only.

PLANNING COMMITTEE MINUTES (Continued)

54. W11/0518 – WAPPENBURY WOOD, NUNWOOD LANE, PRINCETHORPE, RUGBY

The Committee considered a part retrospective application from Warwickshire Wildlife Trust for the provision of hard surface to an existing track.

The application was presented to the Committee because an objection had been received from Bubbenhall 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)

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

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

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

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

Planning Policy Guidance 2 : Green Belts

It was the case officer's opinion that the development did not prejudice the health or character of this ancient woodland and did not harm the living conditions of nearby dwellings. Furthermore, the development did not create an unacceptable contamination risk and the proposals were therefore considered to comply with the policies listed.

Although he had registered to speak, Mr Whale did not arrive for the meeting, so consequently, Mr Jelly who was present to speak in support of the application was not permitted to speak either.

Members had concerns over the content of the existing surface material and proposed top layer. Officers advised that the Environmental Health department had been consulted and had no objections.

It was proposed and duly seconded that the application be deferred to allow a site visit to take place. This motion was put to the vote, and lost 4 votes to 6.

A second proposition was made and duly seconded that the item be deferred to allow further information to be submitted regarding the content of the existing materials and a comparison of the original track to the proposed track.

The motion was put to the vote, and lost 3 votes to 5.

Following consideration of the report, presentation and addendum, along with the representations made at the meeting, the Chairman, Councillor Illingworth, proposed that the application be granted, in accordance with the officer's recommendations and advised members that the condition provided should be carefully adhered to. This motion was put to the vote and won 8 votes to 2.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that W11/0518 be GRANTED, subject to the following condition:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s), and specification contained therein, submitted on 15 April 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.

55. W11/0212 – AVON TAVERN, PICKARD STREET, WARWICK

The Committee considered an application from Mrs Sohal for the conversion of and extensions to the former Public House to provide three dwellings.

The application was presented to members following previous submission to Committee on 14 June 2011. It was agreed to grant permission, however, the decision notice was not issued because a legal agreement/obligation needed to be completed. After the meeting on 14 June, a number of residents contacted the Planning Department to advise that they had not been invited to speak at the meeting despite making written objections. When investigated, it was realised that a number of residents had not been notified due to human error, and had therefore lost their opportunity to speak at the meeting.

Because planning permission was not formally granted until a decision notice was sent out, the application was reported back to Committee to allow objectors and supporters the opportunity to speak. In addition, procedures had been amended to lessen the likelihood of this happening again.

The report before the Committee was an amended version that included comments and alterations reported in the additional observations report.

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)
DP5 - Density (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)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

The case officer was of the opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of parking or other impact on the amenities of local residents, which would justify a refusal of permission, and was therefore considered to comply with the policies listed.

Members were minded that although the application had been delayed to allow members of the public to register to speak and voice their concerns, this offer had not been taken up. In addition, they thought that as there had been no material change or new objection, the decision made at the previous meeting had been the correct one and were happy to grant the application as per the amended report.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted.

RESOLVED that W11/0212 be GRANTED after the S106 obligation has been checked by Legal Services and subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 759-A1-010-C, and specification contained therein, submitted on 8 June 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) before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly

PLANNING COMMITTEE MINUTES (Continued)

implemented strictly as approved. **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 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;
- (5) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (6) 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.

Councillor Mrs Bromley left the room whilst the item was discussed and did not take part in the debate.

56. W11/0639 – 42 WARWICK ROAD, KENILWORTH

The Committee considered an application from Mr Toseem Liaqat for the change of use from an office to a Taxi control office.

The application was presented to the Committee due to the number of objections received.

An addendum circulated at the meeting advised that a local resident objecting to the application had emailed the Committee reiterating his comments.

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)

PLANNING COMMITTEE MINUTES (Continued)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of residential amenity and highway safety which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

Members were sympathetic to the concerns raised by local residents but were reminded that any condition added to the permission had to be enforceable. In addition, they were mindful that condition 3 should help to alleviate these problems and if the premise were found to be in breach of the condition, officers would be able to take the appropriate action.

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

RESOLVED that application W11/0639 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) First Floor Plan, and specification contained therein, submitted on 16th 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 relates solely to the taxi control office and as such no taxi, drivers or customers are permitted to visit the premises at any time **REASON** : To protect the residential amenity of nearby properties and in the interests of highway safety in accordance with Policies DP2, DP7 and DP8 of the Warwick District Local Plan 1996 - 2011.

PLANNING COMMITTEE MINUTES (Continued)

57. W11/0256 – REGENCY BUSINESS CENTRE, 81 WARWICK STREET, ROYAL LEAMINGTON SPA

The Committee considered an outline application from Mr Savage for the change of use of first, second and third floors from offices to an eight bedroom house in multiple occupation.

The application was brought before the Committee because an objection had been received from Royal Leamington Spa Town Council and was taken in conjunction with application W11/0257 LB which dealt with the listed building aspects of the permission.

The application was deferred at Planning Committee on 5 July 2011 to allow a site visit to take place and to enable Environmental Health to be consulted on the waste bins and air source heat pump. An addendum was circulated at the meeting which included the comments from Environmental Health and the Council's Policy team and requested that the recommendation be altered accordingly.

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)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (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)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Open Space (Supplementary Planning Document - June 2009)
TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property was situated. Furthermore, the proposal would not adversely affect the amenity of nearby residents and would be acceptable in terms of car parking and highway safety. The proposal was therefore considered to comply with the policies listed.

Members felt that the site visit had been extremely useful and the additional comments from Environmental Health were gratefully received. Concerns were raised regarding the lack of detail on railings and external

PLANNING COMMITTEE MINUTES (Continued)

lighting and it was agreed that additional conditions should be added to ensure these details were agreed prior to installation.

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

RESOLVED that application W11/0256 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) 1/02/11E, and specification contained therein, submitted on 9 June 2011, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details and Condition 4 below. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) notwithstanding the details in the renewable energy scheme submitted as part of this application, this permission does not authorise the installation of any solar panels. The approved renewable energy scheme is for the installation of an air source heat pump in accordance with the email from SH Architectural Services dated 9 June 2011.
REASON : For the avoidance of doubt, and to

PLANNING COMMITTEE MINUTES (Continued)

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) the residential accommodation hereby permitted shall not be occupied unless and until the bin store shown on the approved plan has been constructed in strict accordance with the approved details. **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; and
- (6) details of external lighting and railings be agreed prior to building works commencing.

58. W11/0257 LB – REGENCY BUSINESS CENTRE, 81 WARWICK STREET, ROYAL LEAMINGTON SPA

The Committee considered an outline application from Mr Savage for internal alterations including the removal of walls and doors, the insertion of new partitions and doors, erection of a bin store and installation of an air source heat pump on the rear flat roof.

The application was brought before the Committee because an objection had been received from Royal Leamington Spa Town Council and was taken in conjunction with W11/0256 detailed above which dealt with the non-listed building permissions.

The application was deferred at Planning Committee on 5 July 2011 to allow a site visit to take place and to enable Environmental Health to be consulted on the waste bins and air source heat pump. An addendum was circulated at the meeting which included the comments from Environmental Health and the Council's Policy team and requested that the recommendation be altered accordingly.

The case officer considered the following policies to be relevant:

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 proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property was situated. The proposal was therefore considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

Members felt that the site visit had been extremely useful and the additional comments from Environmental Health were gratefully received. Concerns were raised regarding the lack of detail on railings and external lighting and it was agreed that additional conditions should be added to ensure these details were agreed prior to installation.

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

RESOLVED that application W11/0257 LB be GRANTED subject to the conditions listed below:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 1/02/11E, and specification contained therein, submitted on 9 June 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) details of external lighting and railings be agreed prior to building works commencing.

59. W11/0405 – DENBY BUILDINGS, REGENT GROVE, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr R Moore for the demolition of rear wings, chimney breast and internal walls; demolition and rebuilding of dormer parapet and stone arch; alterations to elevations; refurbishment to provide 24 flats and 12 shops including new slate roofs and windows; erection of new shop fronts; provision of metal gates and car parking for 23 vehicles. Subsequently amended by W/96/0175: Variation of condition 13 of pp. W/95/1309 & 1310/LB (ground floor use solely for A1 retail use) to include A2 use (financial and professional services).

The application was presented to the Committee because it was a departure from policy TCP5 (Secondary Retail Frontages).

An addendum circulated at the meeting highlighted further comments received from Warwick District's Conservation Area Advisory Forum who

PLANNING COMMITTEE MINUTES (Continued)

were concerned that the change of use could result in the units being used as Licensed Betting Offices.

The case officer considered the following policies to be relevant:

TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)
DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property was situated. It did not give rise to any harmful effects in terms of impact on the vibrancy and vitality of the town centre, which would justify a refusal of permission and was therefore considered to comply with the policies listed.

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

RESOLVED that application W11/0405 be GRANTED to vary condition 13 of pp. W/95/1309 & 1310/LB (ground floor use solely for A1 retail use) to include A2 use (financial and professional services).

60. W11/0634 – DRAGON COTTAGE, GUYS CLIFFE AVENUE, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr and Mrs Anderson for the erection of a two 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 proposal was an over-development of the site.

The case officer considered the following policies to be relevant:

Residential Design Guide (Supplementary Planning Guidance - April 2008)
Sustainable Buildings (Supplementary Planning Document - December 2008)
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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did

PLANNING COMMITTEE MINUTES (Continued)

not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

Members felt that although the building did not have listed status it was of significant architectural merit and was important to the street scene. Concerns were raised regarding the lack of a 10% renewable energy condition but it was agreed that it would be difficult to accommodate this request due to the style and location of the dwelling.

Following consideration of the report and presentation, the Committee were of the opinion that the application should be granted in accordance with the officers' recommendations with an additional condition to be added regarding large scale details to be submitted prior to installation.

RESOLVED that application W11/0634 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 approved drawings 790-01 & 792-03 Rev D, and specification contained therein, submitted on 16th May and 12th July 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.
- (4) No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out

PLANNING COMMITTEE MINUTES (Continued)

otherwise than in full accordance with such approved details. **REASON:** To ensure a high standard of design and appearance for this unique property which occupies a prominent location and is considered to make a positive contribution to the character and appearance of the area, and to satisfy Policy DP1 of the Warwick District Local Plan 1996-2011.

61. ENF 171/20/10 – 23 SOUTHLEA AVENUE, ROYAL LEAMINGTON SPA

The Committee considered an application requesting that enforcement action be authorised because works were being undertaken to the roof without the correct permissions being in place.

The Enforcement Section were notified in May 2010 that alterations to the roof, including the gable end and the addition of a rear dormer window, were being undertaken by the owner, Mr Lotta. Mr Lotta was contacted and advised that he needed Planning Permission for these works and that he could be at risk of potential enforcement action if he continued.

The property was a semi-detached dwelling that had already been extended by a number of approved planning applications in the past few years.

The dormer and hip to gable roof extension, together with the previous roof extension, exceeded a volume of 50 cubic metres and meant that this could not be done under Permitted Development Rights.

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)

It was the case officer's opinion that the design of the dormer/hip to gable extension, combined with the extended ground and first floor extensions made for an unacceptably dominant overbearing structure overlooking adjacent residential properties and despite extensive contact being made with the property owners, an application for a more acceptable scheme had not been submitted. The dormer and hip to gable extension therefore remained in place and in breach of planning control.

It therefore appeared that the only option remaining to resolve this breach of planning control was by the service of an Enforcement Notice.

Members were disappointed that despite attempts by officers to resolve the situation, the applicant had failed to submit a further application. Therefore, having heard the officer's presentation members agreed that enforcement action should be authorised.

RESOLVED that Officers be authorised to proceed with the service of an Enforcement Notice.

PLANNING COMMITTEE MINUTES (Continued)

62. ENF 334/37/10 – THE CLARENDON ARMS, 44 CASTLE HILL, KENILWORTH

The Committee considered an application requesting that enforcement action be authorised following refusal under delegated powers of a retrospective application for the display of a new illuminated fascia and gable end signage.

A Listed Building application (W11/0153 LB) and an Advertisement Consent application (W11/0152) were submitted retrospectively for the works detailed above. The proposal in relation to the gable signage and the illumination of both was considered to be unacceptable.

Consent was refused, under delegated powers, on 23 May 2011 because the advertisements were located on a Listed Building in the Conservation Area and the gable end board sign would be seriously injurious to both the appearance of the building and the visual amenities of the area by reason of its large size, illumination and position adjoining the highway.

The case officer considered the following policies to be relevant:

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

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

The case officer felt that the main issue was the impact of the unauthorised advertisement on the character and appearance of both the Listed Building and the Conservation Area. The signage was prominently located on the fascia and gable end of the building and prominently viewed within the surrounding area.

By reason of its design and illumination, the signage conflicted with the character and appearance along with the visual amenities of this historically important part of Kenilworth and the illumination of the signage did not conform to the Council's guidelines for signage within the Conservation Area.

It was therefore felt that formal action was now appropriate to permanently resolve this breach of planning control.

Members felt that this was an unacceptable breach of the planning laws and having heard the officer's presentation, agreed that enforcement action should be authorised.

RESOLVED that Officers be authorised to proceed with the service of an Enforcement Notice.

(Meeting ended 10.00 pm)