

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 15 January 2013 in the Town Hall, Royal Leamington Spa at 6.00pm.

**PRESENT:** Councillor Illingworth (Chairman); Councillors Mrs Blacklock, Mrs Bromley, Brookes, Ms De-Lara-Bond, MacKay, Mobbs, Weed, Wilkinson and Williams.

Councillor Mobbs substituted for Councillor Rhead, and Councillor Williams substituted for Councillor Cross.

The Chairman welcomed members of the Peer Review Group to the meeting.

## 166. **DECLARATIONS OF INTEREST**

Minute Number 168 – W12/1221 – Tollgate House and The Bungalow, Banbury Road, Bishop’s Tachbrook, Royal Leamington Spa

Councillors Mrs Blacklock, Mrs Bromley, Brookes, Ms De-Lara-Bond, Illingworth, MacKay, Mobbs, Weed, Wilkinson and Williams all declared a personal interest because Warwick District Council supported the Guide Dogs for the Blind Association.

In addition, Councillor Brookes declared a personal interest because he was a member of Bishop’s Tachbrook Parish Council, but he had not taken part in any discussions concerning the site in his capacity as a parish councillor.

Minute Number 169 – W12/1260 – 102 Montague Road, Warwick

Councillor Williams declared that he was a Ward Councillor for the site in question.

Minute Number 170 – W12/1371 – 48-50 Waverley Road, Kenilworth

Councillor Mrs Blacklock declared that she was a Ward Councillor for the site in question. She also declared a personal interest because she knew one of the owners whose property would be demolished if the application went ahead, although not well, and had attended the applicant’s public exhibition for information.

Councillor Illingworth declared that he was a Ward Councillor for the site in question.

Minute Number 171 – W12/1455 – 18 Mill Street, Warwick

Councillor Mrs Bromley declared that she was a Ward Councillor for the site in question.

Minute Number 172 – W12/1455 – 18 Mill Street, Warwick

Councillor Mrs Bromley declared that she was a Ward Councillor for the site in question.

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

### **167. SITE VISITS**

To assist with decision making, Councillors Mrs Blacklock, Mrs Bromley, Brookes, Ms De-Lara-Bond, Illingworth, MacKay, Weed, and Wilkinson had visited the following application sites on Saturday 12 January 2013:

W12/1260 – 102 Montague Road, Warwick  
W12/1371 – 48-50 Waverley Road, Kenilworth  
W12/1455 – 18 Mill Street, Warwick  
W12/1456 LB – 18 Mill Street, Warwick

The Chairman informed everyone present that in addition to the people listed to speak on the Running Order, Councillor Cross would also be speaking as Ward Member on application W12/1260 – 102 Montague Road, Warwick.

### **168. W12/1221 – TOLLGATE HOUSE AND THE BUNGALOW, BANBURY ROAD, BISHOP'S TACHBROOK, ROYAL LEAMINGTON SPA**

The Committee considered an application for outline permission for the demolition of Tollgate House and the bungalow and the erection of six replacement dwellings for the Guide Dogs for the Blind Association.

This application was presented to the Committee because an objection had been received from Bishop's Tachbrook Parish Council.

The 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)  
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)  
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)  
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)  
National Planning Policy Framework  
Open Space (Supplementary Planning Document - June 2009)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
Affordable Housing (Supplementary Planning Document - January 2008)

It was the officer's opinion that the proposed development would not result in adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework (NPPF), or cause unacceptable harm to access. The proposal was therefore considered to comply with the policies listed.

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

An addendum was circulated at the meeting which informed the Committee that a further representation had been received from Bishop's Tachbrook Parish Council in relation to conflict with Policy RAP1 - which the Parish Council felt should be afforded full weight - the unsuitability of the location for housing given its sustainability, that it was not plan-led and took no account of the Neighbourhood Plan. The addendum also informed the Committee that two additional conditions relating to controlling the scale of development granted permission and the materials to be used were recommended by the Local Planning Authority; as was an amendment to condition 7, relating to noise.

Councillor Bullen from Bishop's Tachbrook Parish Council addressed the Committee in opposition to the application. He informed Members that the Parish Council had three main objections to the application:

1. the application did not meet the requirements of policy RAP1 for housing;
2. the application was being made speculatively and in isolation without regard to the sustainability of the development and the quality of life for the residents. The only access to local amenities would be along a busy road and there would be no safe access for pedestrians or cyclists; and
3. the application should only be considered in conjunction with the Neighbourhood Plan which was still a work in progress.

Mr Hammond, a resident of the neighbouring property which operated as a poultry farm, addressed the Committee in opposition to the application. His main concern centred on the fact that the residents of the six houses might object to the activities of a working poultry farm which would affect the financial viability of the farm. He felt that the proposals did not meet the "special circumstances" necessary for development in the Green Belt and asked the Committee to consider that there were restrictions on erecting buildings to house livestock near residential properties, and whether the reverse situation as was the case here, should also carry the same restrictions.

Mr Byrd, a local resident, addressed the Committee in opposition to the application. His main concern was that assurances he had been given about the restoration of the two houses had been broken and this led him to believe that the applicant would pursue a future application to develop on other available open space.

Mr Drayton, a representative from a firm of consultants working for the Guide Dogs for the Blind Association addressed the Committee in support of the application. He explained the history of previous planning applications and explained that planning permission was recently granted for Tollgate House and the bungalow to revert back to original use as residential properties. He then explained why permission was now being sought to instead demolish the two buildings and build six residential dwellings, two of which would be affordable housing. Mr Drayton explained that the two current buildings had long been used as offices and as such had undergone extension work which had, over a period of time, diminished the architectural character of the two buildings, especially in respect of the bungalow. If Tollgate House was reverted back to a residential dwelling, it would become a very large house. If the two buildings were demolished,

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

six dwellings could be built which would occupy a smaller footprint than the current two buildings. These six dwellings would be built back from the road and would be shielded from view by trees. Mr Drayton contended that the proposals would assist the Council's five year housing supply, would be an efficient use of land, would visually enhance the area and would add to the affordable housing supply. Much liaison had taken place with planning officers and he asked the Members to support the recommendations in the officer's report.

Members asked for guidance on a point made by one of the speakers in respect of the regulations governing livestock buildings next to residential buildings. The Head of Development Services explained that farmers had the right to develop if the buildings were a required distance away from residential properties. In this instance, Environmental Health officers had made an assessment and so far they had not raised any objections subject to a noise assessment being undertaken. A condition was in place to ensure that this would occur. Members noted that any potential buyers would be able to see that there was a working farm near to the properties. In respect of the Parish Council's objections, it was noted that the application was for outline planning permission at this stage, and matters concerning sustainability and a contribution for affordable housing could be decided later. The applicant had offered a contribution towards affordable housing, although this was not normally required on a development of six houses. It was also noted that the Neighbourhood Plan was still a work in progress and therefore applications could not be delayed until this was completed. Such plans would only carry weight when they had been completed. Members had some concern on the scale of the development and decided that a note should be made to the applicant to know the scale of the site.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee was of the opinion that the application should be granted in accordance with the recommendations in the report and addendum and with a note to the applicant to be included to clarify the expected scale of development.

**RESOLVED** that W12/1221 be GRANTED subject to the following conditions and with a note to the applicant to clarify the expected scale of development:

- (1) this permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, on an outline application and the further approval of the District Planning Authority shall be required to the under-mentioned matters hereby reserved before any development is commenced:-

- (a) the layout,
- (b) scale
- (c) appearance and,

## PLANNING COMMITTEE MINUTES (Continued)

(b) details of landscaping.

**REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 as amended;

- (2) in the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission.

**REASON:** To comply with Section 92 of the Town and Country Planning Act 1990;

- (3) the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**REASON:** To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

- (4) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011;

- (5) prior to commencement of the development hereby approved, details of a porous surface treatment for the drive or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house, shall have been submitted to and approved by the District Planning Authority. The drive shall be constructed and surfaced, in full accordance with the approved details. **REASON:** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of

## PLANNING COMMITTEE MINUTES (Continued)

the Warwick District Local Plan;

- (6) prior to the commencement of development hereby permitted, a contamination survey of the whole of the site (including details of the timing and phasing of the remedial measures) shall be submitted to and approved in writing by the District Planning Authority. These works shall be carried out in strict accordance with such approved details and timescale.

**REASON:** To protect the health and safety of future occupiers, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

- (7) the development hereby permitted shall proceed only in strict accordance with the recommendations of a noise assessment, which shall be submitted in accordance with the principles of the NPPF. The noise assessment shall include results for LAeq, LA10, and LA90 noise descriptors, together with a calculated arithmetical average for the LAeq. The assessment will demonstrate by calculation that internal noise levels for the proposed residential property meet the 'Good' criteria set out in British Standard 8233 'Sound Insulation and Noise Reduction for Buildings' together with any mitigation measures that are required to achieve this. Prior to the first occupation of the building any necessary mitigation measures shall have been implemented in full accordance with the recommendations of the noise assessment and thereafter shall not be removed or altered in any way without the prior written approval of the local planning authority. **REASON:** To ensure no harm to future occupiers of the dwellings through noise and disturbance and to satisfy the requirements of Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011;

- (8) the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. **REASON:** To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan

## PLANNING COMMITTEE MINUTES (Continued)

1996-2011;

- (9) the development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details and monitoring) 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 that protected species are not harmed by the development;

- (10) prior to the commencement of the development hereby permitted, the site to be surveyed for the presence of badgers immediately before any development takes place. If evidence of badgers is found at this time, a full badger survey should then be carried out by a badger expert. The results of any badger survey, and recommendations made relating to this to be kept confidential, and taken into account during development design and implementation. N.B. If evidence of badgers is found, Natural England should be consulted, as badgers and their setts are protected under the 1992 Badger's Act.

**REASON:** To ensure appropriate measures are taken in relation to protected species;

- (11) no development shall commence unless and until schemes and appropriate details have been submitted and approved in writing by the local planning authority to provide for:-

i) affordable housing in accordance with Policy SC11 of the Warwick District Local Plan 1996-2011, which shall indicate the numbers, plots, disposition cross the site and tenure of the affordable units.

The facilities shall be implemented in accordance with the approved details prior to the occupation of any of the residential units hereby permitted, unless otherwise agreed in writing by the local planning authority.

**REASON:** To ensure the necessary facilities are provided in accordance with Policy SC11 of the Warwick District Local Plan 1996-2011;

- (12) the off street car parking area to serve the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the

## PLANNING COMMITTEE MINUTES (Continued)

development hereby permitted. **REASON:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 and the Vehicle Parking Standards SPD of the Warwick District Local Plan 1996-2011;

- (13) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Classes A, B and E within Part 1 of Schedule 2 of this Order. **REASON:** This site is within the rural countryside wherein the District Planning Authority wishes to retain control over future developments in accordance with Policy RAP2 in the Warwick District Local Plan 1996-2011;
- (14) 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. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (15) the development hereby permitted shall be carried out strictly in accordance with the details shown on the submitted drawing 03 and specification contained therein, submitted on 28 September 2012, as amended by any reserved matters approval, 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
- (16) a sample of the 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



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

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.

### **169. W12/1260 – 102 MONTAGUE ROAD, WARWICK**

The Committee considered an application from Mr Davies for the erection of a two storey side and single storey rear extension to form two 2-bedroom and one 1-bedroom apartments. The application included the demolition of the existing utility room, WC and garage.

This application was presented to the Committee due to the likely number of objections received. The application had been deferred by the Planning Committee on 18 December 2012, to allow Members to undertake a site visit.

The officer considered the following policies to be relevant:

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

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

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

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

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

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

DP9 - Pollution Control (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)  
Sustainable Buildings (Supplementary Planning Document - December 2008)

Vehicle Parking Standards (Supplementary Planning Document)

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

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

Open Space (Supplementary Planning Document - June 2009)

It was the 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 or highway safety. The proposal was therefore considered to comply with the policies listed.

An addendum was circulated at the meeting which informed the Committee that Community Protection had not objected to the application subject to conditions requiring details of existing and proposed drainage systems, percolation testing and foul and surface water calculations, to ensure no adverse effect on existing drainage systems. (A condition requiring these matters had already been included in the recommendation to the

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

Committee.) Severn Trent Water had not made any comments. Neighbourhood Services (Open Space) had requested a contribution towards the improvement of the local public open space. Two further objections had been received from the Public, bringing the total of objections from the public to seven. Further comments had also been received from the attached property. The objections and comments raised two further issues:

- poor quality of the existing dormer roof extension, parts of which had fallen off; and
- change of use would set an undesirable precedent for further flat development in the area.

Mr Kulikov, a resident from the adjoining property, addressed the Committee in objection to the application. His particular concerns centred on safety issues for children using the crossing, noise, loss of amenity and loss of light. He was also concerned that his daughter's bedroom would now be adjoining a potentially noisy living room of a flat from 102 Montague Road. He cited the officer's report with 16 recommended conditions to overcome various issues should permission be granted as evidence that the development had problems. He also cited the recent loft extension, which he claimed now faced quality issues as another reason to refuse permission.

Mr Hadland addressed the Committee in support of the application. He informed the Committee that all previous concerns had been addressed; the size of the extension had been reduced to comply with policy, the parking layout had been altered to comply with the requirements from County Highways, and the ten percent renewable energy requirement had been exceeded. Mr Hadland said that throughout Whitnash, similar extensions were in evidence. Finally, he was pleased to see that a condition had been recommended for insulation to be added to the party wall. He could see no reason for the application to be refused as all requirements had been met.

The Chairman reminded everyone present of his previous statement near the start of the meeting, indicating that Councillor Cross would also be speaking.

Councillor Cross addressed the Committee as Ward Councillor in opposition to the application. Whilst the overall size of the proposals had been reduced, Councillor Cross stated that the space requirements were still above permitted guidelines, with floor space being increased by 120% and when the dormer extension was taken into consideration, the overall increase amounted to 138%. He was concerned that whilst the current property would house four to five people, the new proposals would increase occupancy to nine to ten people. He asked the Committee to refuse the application as it was his opinion that the reasons given for refusal in November 2012 had not been overcome. There was still an unacceptable reduction in amenity, noise issues and problems with overlooking.

Members were concerned that the bedroom in Mr Kulikov's property would be adjoined by a living room of a flat under the proposals but in discussing

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

the reasons why the application had been previously refused, it was evident that the highway reasons were no longer relevant as the Highways Department no longer had any objections to the proposals. There was concern that in converting the property to three flats, a terracing effect with the neighbouring properties would be caused and furthermore, the loss of space between the site and neighbouring properties would lead to a loss of amenity and potential over-intensification. The Senior Planning Officer explained that there was adequate capacity within the area to cope with any drainage concerns and a condition to deal with drainage had been recommended in the report.

Following the site visit on 12 January 2013, consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee was of the opinion that the application should be refused, contrary to the recommendations in the report for the same reasons as the previous application W11/1343 had been refused, but without the objections concerning the highway element.

**RESOLVED** that W12/1260 be REFUSED for the following reasons:

- (1) policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 and the Residential design Guide SPG 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 and/or does not provide acceptable standards of amenity for future users/occupiers of the development;
- (2) the proposal by reason of its size, design and massing would result in the over-development of this restricted site and would create a harmful terracing effect that does not respect the character of the pair of semi-detached dwellings with the adjoining dwelling, in addition due to the layout and distance separation with neighbouring properties the proposal would have a detrimental impact on existing and future residents by way of overlooking, loss of amenity space and noise; and
- (3) the development is thereby considered to be contrary to the aforementioned policies.

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

### **170. W12/1371 – 48-50 WAVERLEY ROAD, KENILWORTH**

The Committee considered an application from McCarthy and Stone Retirement Lifestyles Limited for the demolition of the existing buildings and the erection of Later Living retirement housing for the elderly (category II type accommodation, comprising 11 no. one bedroom and 11 no. two bedroom units), communal facilities, landscaping and car parking.

This application was presented to the Committee because a number of objections had been received.

The officer considered the following policies to be relevant:

National Planning Policy Framework

Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

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

SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)

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

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

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

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

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

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

DP9 - Pollution Control (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)

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

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

Vehicle Parking Standards (Supplementary Planning Document)

Sustainable Buildings (Supplementary Planning Document - December 2008)

Open Space (Supplementary Planning Document - June 2009)

Affordable Housing (Supplementary Planning Document - January 2008)

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

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 officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing, and would not cause unacceptable harm to the architectural and historic character of the adjacent Conservation Area. Furthermore, the proposal would not adversely affect the amenity of nearby residents, and was considered to be acceptable in terms of highway safety, car parking and impact on trees/ecology. It was also considered that adequate provision had been made for affordable housing and open space. The proposal was therefore considered to comply with the policies listed.

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

Officers requested authority to continue negotiations with the applicant in respect of the affordable housing contribution and then to decide whether permission would be granted or not. Members felt that officers should be given the power to grant or refuse the application but were concerned that about how a figure for an acceptable contribution would be agreed. The Head of Development Services explained the process for calculating what the contribution should be, but in this case, the issue was that the figure of £1.25 million was unlikely to be achieved. It was felt that leaving the site undeveloped was not the best choice which was why more financial discussions were required. The Head of Development Services explained that an independent assessor would be looking at what could be achieved in terms of the contribution. She assured Members that the application would be brought back to Committee if necessary. Members agreed that delegated authority should permit the power to grant and to refuse the application as it would mean officers had more negotiating power and were content that any agreement would be done in consultation with the Chairman of the Planning Committee and the Portfolio Holder for Housing and Property Services. The Council's Solicitor suggested that a deadline by which negotiations should be completed could be agreed, and refusal could be agreed once this had expired.

Following the site visit on 12 January 2013, and consideration of the report and presentation, the Committee was of the opinion that the authority should be delegated to officers to continue the negotiations with the developer in respect of affordable housing on the basis that the decision would be made in liaison with the Chairman of Planning Committee and the Portfolio Holder for Housing.

**RESOLVED** that in respect of W12/1371, delegated authority be given to officers to:

- (1) enter into negotiations to secure a satisfactory figure for the affordable housing contribution. The decision as to whether the contribution is satisfactory to be made in consultation with the Chairman of Planning Committee and the Portfolio Holder for Housing;
- (2) to grant permission if a satisfactory figure is agreed; and
- (3) to refuse permission if a satisfactory figure is not agreed by 4 February 2013.

### **171. W12/1455 – 18 MILL STREET, WARWICK**

The Committee considered an application from Mr and Mrs Doherty for the erection of a first floor rear bedroom extension on the footprint of the existing balcony over the ground floor kitchen.

This application was presented to the Committee because a number of objections had been received.

The officer considered the following policies to be relevant:

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

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
Residential Design Guide (Supplementary Planning Guidance - April 2008)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
Sustainable Buildings (Supplementary Planning Document - December 2008)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)  
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

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

Following the site visit on 12 January 2013, consideration of the report and presentation, the Committee was of the opinion that the application should be granted in accordance with the recommendations in the report.

**RESOLVED** that W12/1455 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);
- (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) (2012-1469-2, 2012-1469-3), and specification contained therein, submitted on 19 November 2012. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, railings, eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

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

**REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

### **172. W12/1456 LB – 18 MILL STREET, WARWICK**

This application was considered at the same time as W12/1455.

The Committee considered an application from Mr and Mrs Doherty for the erection of a first floor rear bedroom extension on the footprint of the existing balcony over the ground floor kitchen.

This application was presented to the Committee because a number of objections had been received.

The officer considered the following policies to be relevant:

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

It was the officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, and was of an acceptable standard of design and detailing. The proposal was therefore considered to comply with the policy listed.

Following the site visit on 12 January 2013, consideration of the report and presentation, the Committee was of the opinion that the application should be granted in accordance with the recommendations in the report.

**RESOLVED** that W12/1456 LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) (2012-1469-2, 2012-1469-3), and specification contained therein, submitted on 19 November 2012. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) no development shall be carried out on the site

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

which is the subject of this permission, until large scale details of doors, railings, eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

**REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

### **173. ENF 474/46/12 – 121 LEICESTER STREET, ROYAL LEAMINGTON SPA**

The Committee considered a report concerning unauthorised alterations and extensions. The enforcement matter was presented to the Planning Committee to request that enforcement action be authorised.

The 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 officer's opinion that in view of the visual harm arising from the design, bulk and positioning of the larger structure and the absence of assurances that the harm would be remedied voluntarily, it was considered appropriate to seek to resolve the matter by means of the service of an Enforcement Notice.

An addendum was circulated at the meeting which informed the Committee that the property owners had written with reasons why the unauthorised alterations and extensions should be allowed to remain in place. These included how the renovations were energy efficient and how additional space was required to provide accommodation for a relative with disabilities.

There was some discussion amongst Members of the effect of the alterations on the street scene and officers were asked if there had been any negotiations concerning seeking planning permission. The Head of Development Services informed them that the owners were aware that they could submit a retrospective planning application and that they could appeal.

Following consideration of the report and presentation, and the information contained within the addendum, the Committee was of the opinion that the enforcement action should be authorised directed at the permanent removal of removal of the unauthorised structure positioned on the south west elevation of the building and all associated materials, with a compliance period of three months.

**RESOLVED** that ENF 474/46/12 be AUTHORISED for the removal of the unauthorised structure positioned on the south west elevation of the building and all



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

associated materials, with a compliance period of three months.

### **174. TRILOGY FOUNDRY PARK, OLD WARWICK ROAD AND PRINCES DRIVE, ROYAL LEAMINGTON SPA – SECTION 106 OBLIGATION**

The Committee considered a report concerning a request to vary a Section 106 Agreement agreed by Planning Committee at its meeting on 16 August 2011. This agreement was in respect of a hybrid planning application for a comprehensive mixed use development comprising the demolition of former foundry buildings and:

- (i) a detailed planning application for structural landscaping and a retail store (including ancillary uses) (Use Class A1) and associated access, servicing, highway works, parking, footpaths, cycle ways, public realm and other related works; and
- (ii) an outline planning application for offices (of up to 10,000 square metres (sqm) gross internal area (GIA) including ancillary uses) (Use Class B1(a)), light industry (Use Class B1(c)) and/or storage and distribution (of up to 7,000 sqm GIA) (Use Class B8), hotel (of up to 120 bedrooms) (Use Class C1), open space and associated access, servicing, parking including decked car park, public realm and other related works.

The officer considered the following policies to be relevant:

Station Area Planning and Development Brief (Supplementary Planning Guidance - September 2008)

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

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

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

National Planning Policy Framework

The officer set out the history and reasons why the application was granted back in 2011 and the conditions imposed on that permission. The report stated that the site was now clear and ready for development, the highway works had yet to be completed, and the site had only been marketed since the grant of planning permission for offices from September 2011 (some 16 months). The Section 106 Agreement envisaged marketing for a period of not less than three years given the timescales involved in delivering the site and necessary infrastructure, and the current market conditions for office developments. The officer was therefore of the opinion that the applicant had not given sufficient time to allow the development as a whole to be realised in accordance with Policy SC2 of the Local Plan, and that to stop marketing the site and to consider alternative uses now would remove an obligation on the applicant that was a key material consideration that weighed in favour of the Council's grant of planning permission in 2011. Despite the acknowledged fact that demand for headquarters-style office accommodation was weak given the supply of vacant existing office space in the area, and that other alternative uses could bring economic benefits,

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

these reasons were not considered sufficient grounds to set aside the obligation at that point in time.

In respect of the request to vary Section 9 to only remove the final obligation, i.e. not to promote or apply for planning permission for any other use classes or material amendments to the headquarters office for a period of three years from the grant of planning permission, it was considered that the release of this obligation would not be unreasonable. The owner would still be required to market the site for offices for the same period as before (three years) and, in the event that a planning application was submitted to the Council for alternative uses, the Council would still have control over the use of the land as local planning authority.

Members agreed with the information in the officer's report and felt that if the amendment was permitted as per the recommendations in the report, the other parts of the agreement on which permission was originally granted should be pursued.

Following consideration of the report and presentation, the Committee was of the opinion that the request to vary the Section 106 Agreement to remove Section 9 of the Section 106 Agreement dated 5 October, related to W10/1310 should be refused, but the request to remove paragraph 9.1.3 of the aforementioned Section 9 was agreed in accordance with the recommendations in the report.

### **RESOLVED** that:

1. the request to vary the Section 106 Agreement to remove Section 9 of the Section 106 Agreement dated 5 October 2011 related to W10/1310 be REFUSED; and
2. the request to remove paragraph 9.1.3 of the aforementioned Section 9 be AGREED.

(The meeting ended at 7.55 pm)