

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 14 June 2011 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Illingworth (Chairman); Councillors Barrott (substituting for Councillor Ms Dean) Mrs Blacklock, Brookes, Copping, Dhillon, Mrs Higgins, Illingworth, Mobbs (substituting for Councillor Rhead) and Weed.

Apologies for absence were received from Councillors Dean and Rhead.

17. **SUBSTITUTES**

Councillor Barrott substituted for Councillor Ms Dean and Councillor Mobbs substituted for Councillor Rhead.

18. **DECLARATIONS OF INTEREST**

Minute Numbers 20 & 21 – W10/1370 and W10/1385 CA– 13-17
Kenilworth Street, Royal Leamington Spa

Councillor Copping declared a personal interest because he attended a meeting on 8 June at which this application was discussed. However, he did not participate in the discussion on this application. Councillor Mrs Higgins declared a prejudicial interest as a member of Warwick District Towns Conservation Area Advisory Forum (CAAF) and did not participate in the discussion.

Minute Number 22 – W11/0350 – Crackley Hall School, Coventry Road,
Kenilworth

Councillor Mrs Blacklock declared a personal interest because she knew one of the speakers. Councillor Mobbs declared a personal interest as a ward councillor and member of Kenilworth Town Council, but pointed out that he did not attend the meeting at which this application had been discussed. Councillor Mrs Higgins declared a prejudicial interest as a member of Warwick District Towns Conservation Area Advisory Forum (CAAF), left the room for the duration of the item and did not participate in the discussion.

Minute Number 23 – W11/0212 – Avon Tavern, Pickard Street, Warwick

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

Minute Number 24 – W11/0266 – Coten End Quarry, Wharf Street, Warwick

Councillor Barrott declared a personal interest because the speaker was known to him.

Minute Number 26 – W11/0101 – Tollgate House, Banbury Road, Bishops
Tachbrook

Councillor Brookes declared a prejudicial interest because he attended a Town Council meeting at which this application was discussed. He left the meeting for the duration of this item.

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Minute Number 27 – W11/0332 – 44 Dalehouse Lane, Kenilworth

The Committee as a whole declared personal interests because the applicant was married to a Warwick District Council officer. Additionally, Councillor Weed declared a personal interest because the application was in her ward.

Minute Number 28 – W11/0375 – 4 Freshwater Grove, Sydenham, Royal Leamington Spa

Councillor Barrott declared a personal interest because the application was in his ward.

Minute Number 30 – W11/0493 – 64 Birches Lane, Kenilworth

The Committee as a whole declared personal interests because the applicant was a Warwick District Councillor.

Minute Number 31 – W11/0535 – Kenilworth Police Station, Smalley Place, Kenilworth

The Committee as a whole declared personal interests because the applicant was Warwick District Council. Additionally, Councillor Mrs Blacklock declared a personal interest as a former member of Kenilworth Town Council. Councillors Illingworth and Mobbs declared prejudicial interests as members of Kenilworth Town Council, which had previously considered the application, and left the meeting for the duration of the item. Councillor Mobbs also declared an interest as a member of the Executive. Councillor Mrs Higgins declared a prejudicial interest as a member of Warwick District Towns Conservation Area Advisory Forum (CAAF) and did not participate in the discussion.

Minute Number 32 – ENF 234/26/10 – Star and Garter, 4-6 Warwick Street, Royal Leamington Spa

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

19. **MINUTES**

The minutes of the meeting held on 26 April 2011 were approved. The minutes of the meeting of 24 May 2011 were approved, subject to substituting the word 'speakers' for 'applicants' under Councillor Mrs Blacklock's declaration of interest.

20. **W10/1370 – 13-17 KENILWORTH STREET, LEAMINGTON SPA**

The Committee considered an application from Hatchback Limited for demolition of an existing building and construction of a new 3 storey building with two retail units at ground floor level and residential student accommodation on the upper floors and in a single storey extension to the rear (the student accommodation to be an adjunct to the student accommodation recently approved at Nos. 118-120 Warwick Street - pp ref. W10/0097); retention of an existing lift / staircase extension to the rear of Nos. 118-120 Warwick Street in modified form; and alteration to the layout of an existing car park including the provision of cycle parking (part retrospective application).

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The application was presented to the Committee due to the number of objections and an objection from the Royal Leamington Spa Town Council having been received. This application was also being reported to Planning Committee because it was recommended that planning permission be granted subjected to the completion of a legal agreement.

The Committee had visited the site on 11 June 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

An addendum circulated at the meeting detailed a further account by neighbours reiterating their objections, alongside an additional concern by a local resident, comments from CAAF and a note in respect of refuse and recycling storage arrangements, which had been amended and which were considered acceptable by Waste Management.

Mr M Baxter addressed the Committee, expressing the views of CAAF who did not support the application. Mrs L Power also addressed the Committee objecting to the application, followed by Ward Councillor J Weber who raised further objections.

The case officer considered the following policies to be relevant:

TCP10 - Protecting the Residential Role of Town Centres (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
TCP13 - Design of Shopfronts (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).
Sustainable Buildings (Supplementary Planning Document - December 2008)
Open Space (Supplementary Planning Document - June 2009)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)

It was the case officer's opinion that a development for student residential accommodation would be in accordance with Local Plan Policy and maintain the residential character of the area. Whilst the site was outside of the

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designated retail area, the proposed units would replace an existing larger retail unit and be appropriate. As amended, the proposals would have an acceptable impact on the living conditions of neighbouring dwellings and preserve the character and appearance of the Conservation Area. The revised design had addressed the objections raised to the originally submitted proposals. A fourth storey that had been a cause for concern had now been omitted from the application, and the shopfront and arrangement of the windows on the front elevation had been amended to provide a more appropriate design for the public face of the development. The lift / staircase extension that had been erected on the rear of 118-120 Warwick Street was proposed to be modified to reduce the height of this structure down to just above the height of the existing building, and a condition was recommended to ensure that this modification was carried out. A proposed extension to the existing car park had been omitted to address concerns raised by the Highway Authority. The Highway Authority had no objection to the amended plans, subject to the applicant entering into a Section 106 agreement to waive the rights of future occupants of the development to apply for resident's parking permits, which the applicant had agreed to this. Therefore the proposals would not be detrimental to highway safety. The plans had been amended to show covered cycle parking for 26 cycles. Taking into account the sustainable location of the site within the commercial core of the town centre and within easy reach of a wide range of shops, services and public transport, and considering the fact that there were parking controls on surrounding streets, it was felt that a refusal could not be justified on grounds of parking. The issue of fire safety would also be addressed through the Building Regulations. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, along with the representations made at the meeting, a motion was proposed and seconded to refuse the application due to it being contrary to policy DP1 (does not reflect local architecture and distinctiveness), DP2 (detrimental to the amenity of neighbours, through its intended intense residential use, rather than through its design), DAP8 (the development's design will not respect the setting of the conservation area as a whole) and DAP9 (will adversely affect character and appearance of the conservation area). The motion was defeated, with 5 votes in favour of the proposal, 5 votes against it and the Chair exercising his casting vote against the proposal, as it was not in line with the officer's recommendation. A proposal to grant in line with the officer's recommendation, subject to a section 106 agreement to secure a contribution towards the provision or enhancement of public open space and to waive the rights of occupants of the development to apply for resident's parking permits, and with an additional condition to require appropriate soundproofing, was won, with 5 votes in favour, 5 votes against and the Chair exercising his casting vote in favour of the officer's recommendations. Officers were asked to convey to the architect that it was not too late to take full opportunity for detailed design in respect of this development.

RESOLVED that W10/1370 be GRANTED, subject to a section 106 agreement to secure a contribution towards the provision or enhancement of public open space and to waive the rights of occupants of the development to apply for resident's parking permits, and to the conditions listed below:

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- (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) 4619/30H, 4619/31D, 4619/32D, 4619/34D, 4619/35D, 4619/37C & 4619/42A, and specification contained therein, submitted on 28 March 2011, 28 April 2011, 23 May 2011 & 1 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) 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), parapets, fascias, rainwater goods, shopfronts and the lantern light 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) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (5) detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished

PLANNING COMMITTEE MINUTES (Continued)

site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. **REASON:** To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (6) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;
- (7) within 6 months of the date of this permission, the existing lift / staircase extension on the rear of Nos. 118-120 Warwick Street shall be reduced in height in strict accordance with the approved plans. **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;
- (8) the development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so as to enable the largest vehicle anticipated on site to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (9) the car parking area for the development hereby permitted shall be laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The car parking area shall be retained at all times thereafter and shall be kept free of obstruction and be available for parking for occupants of the development hereby permitted, unless agreed otherwise in writing by the District Planning Authority. **REASON:** To ensure that adequate parking facilities are

PLANNING COMMITTEE MINUTES (Continued)

available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

- (10) the cycle parking provision shown on the approved plans shall be completed before any part of the student accommodation hereby permitted is first occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

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

- (12) no part of the student residential accommodation hereby permitted shall be occupied unless and until the bin stores have been provided in strict accordance with the approved plans. **REASON:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (13) 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;

- (14) the development hereby permitted shall only be occupied as a student hall of residence solely by individuals enrolled on a further or higher education course. **REASON:** Since there may be insufficient parking for other forms of residential occupation, in accordance with Policy DP8 of the Warwick District Local Plan;

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- (15) 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;
- (16) the pyramidic rooflight on the single storey flat roof shall be double glazed and non-opening. The pyramidic rooflight shall be maintained in that condition at all times. **REASON:** To protect the living conditions of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (17) no part of the development hereby permitted shall be used as a roof terrace. No access shall be permitted to the roofs of the development hereby permitted except for maintenance purposes. **REASON:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (18) no flues, vents, windows or other openings shall be formed in the elevations on the eastern or southern boundaries of the development hereby permitted unless otherwise agreed in writing by the local planning authority. **REASON:** To protect the living conditions of neighbouring dwellings, in accordance with Policy DP2 of the Warwick District Local Plan;
- (19) the wall along the eastern and southern boundaries of the site shall be retained at a height of 4m in strict accordance with the approved plans, unless agreed otherwise in writing by the District Planning Authority. **REASON:** To protect the living conditions of neighbouring dwellings, in accordance with Policy DP2 of the Warwick District Local Plan; and
- (20) no development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of noise through the party wall with Kinmond Court have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** In the interests of the amenities of occupiers of Kinmond Court, in accordance with

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the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011.

(Councillor Mrs Higgins did not take part in the discussion on this item, having declared a prejudicial interest.)

21. W10/1385 CA – 13-17 KENILWORTH STREET, LEAMINGTON SPA

The Committee considered an application from Hatchback Limited for the demolition of an existing building.

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

The Committee had visited the site on 11 June 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

Members noted the comments on the addendum which had been highlighted under the previous, related planning application (minute 20 refers).

The case officer considered the following policies to be relevant:

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

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

It was the case officer's opinion that the existing building did not make a positive contribution to the character and appearance of the Conservation Area. Therefore, subject to the erection of a satisfactory replacement building, it was considered that the proposed demolition would not harm the character and appearance of the Conservation Area. If the associated planning application for a replacement building were approved (W10/1370 – see minute above), it would be appropriate for consent to be granted for the demolition of the existing building. The concerns of the neighbours and the Town Council had been addressed in the report on the associated planning application. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, along with the representations made at the meeting to the related application, the Committee were of the opinion that the application should be granted in accordance with the recommendation.

RESOLVED that W10/1385 CA 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

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Section 51 of the Planning and Compulsory Purchase Act 2004; and

- (2) the demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under planning permission no. W10/1370 has been made.

REASON: To avoid the creation of an unsightly gap within the Conservation Area, in order to satisfy the requirements of DAP8 of the Warwick District Local Plan 1996-2011.

(Councillor Mrs Higgins did not take part in the discussion on this item, having declared a prejudicial interest.)

22. W11/0350 – CRACKLEY HALL SCHOOL, COVENTRY ROAD, KENILWORTH

The Committee considered an application from Warwickshire Catholic Independent School Foundation for the erection of a hall and music centre (after demolition of chapel and caretakers bungalow) and a two-storey extension to the west end of the school building (after demolition of part).

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

The Committee had visited the site on 11 June 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

An addendum circulated at the meeting stated that the applicants had now confirmed that they still owned land to the north of the school which was set out as a 'grasscrete' surfaced car park for 7 cars. The addendum also detailed objections from Kenilworth Town Council, and stated that Warwickshire County Council (Ecology) now recommended conditions on bat mitigation measures, details on external lighting measures, and protection of trees.

Town Councillor M Hitchin represented the views of Kenilworth Town Council to the Committee, followed by Mr M Davies who addressed the Committee as an objector. Mr A Pugh spoke in support of the application.

The case officer considered the following policies to be relevant:

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development achieved acceptable standards of layout and design and did not give rise to any

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harmful effects in terms of impact on trees, residential amenity, or parking which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, along with the representations made at the meeting, the Committee were of the opinion that the application should be refused contrary to the officer's recommendations, because the south western side of the development had an unacceptable impact in terms of serious loss of daylight to a neighbouring property, the location of the bin store was not neighbourly and the loss of car parking spaces would exacerbate existing parking problems in the area.

RESOLVED that W11/0350 be REFUSED contrary to officers' recommendations because the south western side of the development was contrary to policies DP2 and DP8, having an unacceptable impact on a neighbouring property due to serious loss of daylight, the location of the bin store being inappropriate and not neighbourly, and the loss of car parking spaces being detrimental to local amenity by exacerbating existing parking problems in the area.

(Councillor Mrs Higgins left the room for the duration of this item, having declared a prejudicial interest.)

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

The Committee considered an application from Mrs Sohal for conversion and extensions to a former public house to provide three dwellings.

The application was presented to the Committee because more than 4 objections had been received.

An addendum circulated at the meeting detailed 2 further letters of support, a 102 signature petition against the proposal, an amended layout which, if approved, would see condition 6 of the recommendation deleted, and comments on parking problems from Councillor Linda Bromley.

Mr R Barker addressed the Committee as an objector, expressing concerns about the line of the fence, followed by Mr P Manning who spoke in support of the application.

The case officer considered the following policies to be relevant:

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

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

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)

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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)

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 parking or other impact on the amenities of local residents, which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, along with the representations made at the meeting, the Committee were of the opinion that the application should be approved, after the Section 106 obligation had been checked by Legal Services, in line with the amended recommendation which required the deletion of condition 6.

RESOLVED that, after the Section 106 obligation has been checked by Legal Services, application W11/0212 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 drawing(s) 759-A1-010-B and 759-A3-011, and specification contained therein, submitted on 15th February and 25th 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;
- (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

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

- (4) 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
- (5) 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.

24. W11/0266 – COTEN END QUARRY, WHARF STREET, WARWICK

The Committee considered an application from U Store for the construction of a hardstanding area and use of land for storage of shipping containers as a self-storage facility.

The application was presented to the Committee because a number of objections had been received, including one from Warwick Town Council.

The Committee had visited the site on 11 June 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

An addendum circulated at the meeting detailed an amended plan which required condition 2 to be amended to refer to drawing no. 5019/01 Rev.A, received on 13 June 2011. The addendum also presented an anonymous objection.

Mr O Jacques addressed the Committee, objecting to the application.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
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)

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 impact on the SSSI or adjoining residents which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, along with the representation made at the meeting, the Committee were of the

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opinion that the application should be approved in line with the amended recommendation, with an additional condition to require any changes to the location or number of lights to be subject to the approval of the local planning authority.

RESOLVED that W11/0266 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 drawing number 5019/01 Rev.A, and specification contained therein, received on 1st March 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 premises shall only be open to the public between the hours of 0700 and 2000 hours seven days a week (including Sundays and Bank Holidays). **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;
- (4) the containers shall be stacked not more than two units high and shall be positioned as shown on the submitted layout plan and in no other arrangement. **REASON:** To protect the amenities of local residents and the SSSI in accordance with policies DP2 and DAP3 of the Warwick District Local Plan 1996-2011; and
- (5) any changes to the location or number of lights on the premises to be subject to the prior approval of the local planning authority.

25. **W10/1250 – NORTH LEAMINGTON SCHOOL, PARK ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from Milcel Limited for the demolition of existing school buildings and the construction of 53 new houses and 5 apartments with access road infrastructure and 'open space' facilities.

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The application had been considered by Planning Committee on 22 February 2011, where it was approved subject to the satisfactory conclusion of a Section 106 Agreement to secure the affordable housing element and the sums of money necessary for education and library facilities and additional policing infrastructure.

In light of Government reform of the social housing system, requiring new homes to be built under the new Affordable Rent model, the developers had presented revised proposals for delivering the affordable housing element of the development. These had been agreed in principle with the Council's Housing Strategy department. The proposals consisted of 5 intermediate homes and 18 homes for affordable rent, to replace the 18 social rented homes. The affordable rent could be set up to a maximum of 80 per cent of the open market value, however on the first let affordable rents at 60% of open market value had been agreed. It was therefore recommended that the Section 106 Agreement should stipulate that the level of rent to be charged on first let was restricted to 60% of open market value and on subsequent re-lets, the affordable rent, which would be dependent on market conditions, must be agreed with the Council's Interim Housing Strategy Manager, in order to ensure that it was affordable. It should be noted that whilst the affordable rent level would be higher than the traditional target rent level, it would still be within the parameters of Housing Benefit. This meant that the full rent would be paid by Housing Benefit to those claimants who qualified.

Following consideration of the report and presentation, the Committee were of the opinion that the revised proposals should be approved in accordance with the recommendation.

RESOLVED that in respect of planning application W10/1250, the changes to the tenure of the affordable housing, as outlined above, be agreed, and that the changes be incorporated into the Section 106 Agreement, already agreed by Planning Committee.

26. **W11/0101 – TOLLGATE HOUSE, BANBURY ROAD, BISHOPS TACHBROOK, LEAMINGTON SPA**

The Committee considered an application from Guide Dogs for the Blind Association for the display of a non-illuminated free-standing double-sided monolith entrance sign.

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

It was the case officer's opinion that the proposals would not detract from the amenity of the area and would not be detrimental to public safety, the size and design of the proposed entrance sign being typical of those found

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at entrances to commercial uses of this scale. The proposals were therefore considered to comply with the policies listed.

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

RESOLVED that W11/0101 be GRANTED, subject to the condition listed below:

- (1) the development hereby permitted relates strictly with the details shown on the approved drawings ('A-GF02-012' (elevations only), '2004-16-DNS-05' & 'preferred option 03/03/2011'), and specification contained therein, submitted on 25 January 2011, 18 March 2011 & 4 March 2011) respectively, 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.

(Councillor Brookes left the room for the duration of this item, having declared a prejudicial interest.)

27. W11/0332 – 44 DALEHOUSE LANE, KENILWORTH

The Committee considered an application from Mr C Barnwell for a first floor rear and side extension and summer house to the rear garden.

The application was presented to the Committee due to the applicant being married to a member of staff. At the last meeting of the committee, on 24 May 2011, consideration was deferred for more information about the levels of the summerhouse in relation to the dwelling.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 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.

An addendum circulated at the meeting gave additional details relating to floor space which, in accordance with Policy DP13, supported the case officer's view that it would not be reasonable in this instance to request renewable on this development.

PLANNING COMMITTEE MINUTES (Continued)

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

RESOLVED that application W11/0332 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 drawing(s) 1865-02E, and specification contained therein, submitted on 10 May 2011 and on the approved drawing(s) 1865-03B and specification contained therein submitted on 31 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;
- (3) prior to the occupation of the development hereby permitted, the bathroom and en-suite windows on the first floor in the side elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (4) this permission authorises the erection of a summerhouse to be used solely ancillary to the residential use of the dwelling known as 44 Dalehouse Lane and shall not be construed as permitting the erection of a separate dwelling unit. **REASON:** Having regard to its location in the garden to the rear of 44 Dalehouse Lane in

PLANNING COMMITTEE MINUTES (Continued)

close proximity to adjacent gardens and since there is insufficient parking and amenity space for its use as a separate dwelling or other uses and to satisfy Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011; and

- (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.

28. W11/0375 – 4 FRESHWATER GROVE, SYDENHAM, LEAMINGTON SPA

The Committee considered an application from Mr S Sangha for the erection of a front entrance porch to replace the existing porch.

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)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)

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

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

RESOLVED that W11/0375 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 drawing, and specification contained therein, submitted on 24 May 2011 unless first agreed otherwise in writing

PLANNING COMMITTEE MINUTES (Continued)

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.

29. W11/0422 – KENILWORTH WEEKLY NEWS, 31 WARWICK ROAD, KENILWORTH

The Committee considered an application from Mr M Page for an extension to the existing ground floor with new external stairs up to first floor accommodation, with change of use classification to open A1, A2 & A3 use.

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

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)
TCP12 - Upper Floors within Town Centres (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 loss of amenity or loss of essential retail function, which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that W11/0422 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;

PLANNING COMMITTEE MINUTES (Continued)

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) KHS/2 002, and specification contained therein, submitted on 28 March 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 details of a fume extraction system have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.
REASON: To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011; and
- (4) details of the air conditioning, ventilation and flue extraction systems including particulars of noise levels shall be submitted to and approved by the Local Planning Authority before any works commence on site. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011.

30. W11/0493 – 64 BIRCHES LANE, KENILWORTH

The Committee considered an application from Mr N Vincett for the removal of an existing conservatory and replacement with a single storey rear extension.

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

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)

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.

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

RESOLVED that W11/0493 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 Vincett 01 A, and specification contained therein, submitted on 11th 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.

31. **W11/0535 – KENILWORTH POLICE STATION, SMALLEY PLACE, KENILWORTH**

The Vice Chairman, Councillor MacKay, took the Chair for the duration of this item, in the absence of the Chairman who had declared a prejudicial interest.

The Committee considered an application from Warwick District Council for change of use from Police Station to a multi-function building, including accommodation for the following: ground floor for temporary use by Kenilworth Senior Citizens Club and first floor for Kenilworth Town Council, Chamber and offices and MP Offices.

The application was presented to the Committee because it was a proposal by Warwick District Council.

An addendum circulated at the meeting detailed CAAF's comments on the amended plans.

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)
TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

Sustainable Buildings (Supplementary Planning Document - December 2008)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)

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 which would justify a refusal of permission. The proposal 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 recommendation.

RESOLVED that W11/0535 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 amended drawings HPS/KPS/1103 Rev A, HPS/KPS/1104 Rev A, HPS/KPS/1105 Rev A, and specification contained therein, submitted on 23rd 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.

(Councillors Mrs Higgins, Illingworth and Mobbs left the room for the duration of this item, having declared prejudicial interests.)

32. ENF 234/26/10 – STAR AND GARTER, 4-6 WARWICK STREET, LEAMINGTON SPA

The Committee considered an enforcement report concerning the erection of a timber fence to enclose a flat roofed area at the rear of premises owned by Green King Pub Partners.

The matter was presented to the Committee because of the request that enforcement action be taken.

The case 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)

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

It was the case officer's opinion that the fence was clearly visible from street level and flats in Westbrook House, and was of a poor standard of design and appearance, to the detriment of the character and appearance of the Conservation Area. The stated purpose of the structure was to enable the enjoyment of outside space for private domestic use; however, its design and appearance was detrimental to the amenities of immediately adjacent residential properties and the character and appearance of the Conservation Area, whilst the resulting increased use of this flat roofed area had resulted in noise and disturbance to local residents. Extensive contact had been made with the owners of the property and the situation fully explained, but the matter had not been resolved.

Following consideration of the report and presentation the Committee were of the opinion that enforcement action should be authorised in accordance with the officer's recommendation, with the compliance period amended to 1 month.

RESOLVED that officers be authorised to proceed with appropriate enforcement action, directed at the removal of the fence with a compliance period of 1 month.

Before formally closing the meeting, both the Chairman and the Committee expressed their thanks to John Beaumont for all his help and support over the years, as this was his last meeting prior to retiring as an employee of Warwick District Council.

(The meeting ended at 9.35 pm)