

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 30 April 2013 in the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Illingworth (Chairman); Councillors Barrott, Mrs Blacklock, Mrs Bromley, Brookes, MacKay, Rhead, Wilkinson and Williams.

Apologies for absence were received from Councillors Ms De-Lara-Bond and Weed.

215. **SUBSTITUTES**

Councillor Barrott substituted for Councillor Weed.

216. **DECLARATIONS OF INTEREST**

Minute Number 222 – W13/0402 – Land at Walcote House, Sandy Lane, Blackdown, Royal Leamington Spa

Councillor MacKay declared an interest because he would be addressing the Committee as a District Councillor. He would leave the room after he had addressed the Committee for the remainder of the discussions on the item. He also recorded on the Declarations of Interest sheet at the meeting that he had been involved with the Applicant.

Minute Number 223 – W13/0337 – Red House, 113 Radford Road, Royal Leamington Spa

Councillor Barrott declared an interest because he would be addressing the Committee as a Ward Councillor. He would not sit on the Committee for the duration of the item.

Councillor Brookes declared an interest because he was a member of the Campaign for Real Ale (CAMRA). He had not participated in any vote taken by CAMRA about this site.

Councillor Wilkinson informed the Committee that he lived in the Ward.

Minute Number 224 - W13/0176 - 87 Kingsley Road, Bishop's Tachbrook

When the application was introduced for discussion, Councillor Brookes informed the Committee that the application site was in his Ward.

Minute Number 226 – W13/0300 – 1 Staunton Road, Royal Leamington Spa

Councillor Wilkinson informed the Committee that the application site was in his Ward.

PLANNING COMMITTEE MINUTES (Continued)

217. SITE VISITS

To assist with decision making, Councillors Mrs Blacklock, Mrs Bromley, Illingworth, MacKay, Wilkinson and Williams visited the following application sites on Saturday 27 April 2013:

W13/0099 – 9A Masefield Avenue, Warwick
W13/0115 – Newgale, The Avenue, Rowington, Warwick
W13/0153 – Beaconsfield, Lapworth Street, Bushwood, Lowsonford, Henley-in-Arden
W13/0402 – Land at Walcote House, Sandy Lane, Blackdown, Royal Leamington Spa

Councillor Illingworth explained that there was an omission on the Running Order sheet. Councillor MacKay would be speaking in support of application W13/0402.

218. MINUTES

The minutes of the meeting held on 9 April 2013 were agreed and signed by the Chairman as a correct record.

219. W13/0115 - NEWGALE, THE AVENUE, ROWINGTON, WARWICK

The Committee considered an application from Mr Dryhurst for the demolition of the existing single storey rear extension; erection of a two storey rear / side extension and erection of a single storey front extension.

This application was presented to the Committee because more than five letters in support of the application had been received, including one from a Ward Councillor.

The 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)
National Planning Policy Framework

An addendum circulated at the meeting indicated that Rowington Parish Council had no objections to the proposed extension.

It was the officer's opinion that the proposed extension would be inappropriate development within the Green Belt which would harm the openness both of which carry substantial weight against the grant of planning permission. In the absence of any very special circumstances to justify the development and having regard to all other comments raised, the proposed extension was unacceptable and contrary to the aforementioned policies.

PLANNING COMMITTEE MINUTES (Continued)

Mr Dryhurst addressed the Committee in support of the application. He informed Members that the property needed renovation and whilst it was in the Green Belt, the proposed works would not impinge on it. The proposals respected both the scale and the design of the previous building. He pointed out that the footprint of the property was 113 years old and was not suitable for modern living. He did not believe that the extension work would detract from the surroundings or neighbouring properties and there had been 17 letters of support written by neighbours, the local Parish Council and Councillor Caborn.

Members were mindful that the 30% rule for extensions on properties would be exceeded, but they also recognised that the house next door had been extended, but as these extensions had taken place before 1948, the 30% rule had not applied. The effect of this was to create a "lopsided" look to the whole building which consisted of two semi-detached homes. After some discussion on the merits of this particular application over the regulations governing extensions, and the fact that it was in the Green Belt, it was felt that there were sufficient special circumstances to justify granting the application. The extensions would make the house suitable for modern family life, but were still modest, and would create a more balanced look to the whole building.

Therefore, following consideration of the report and presentation, along with the representations made at the meeting and the information contained in the addendum, the Committee was of the opinion that the application should be granted contrary to the recommendations in the report and subject to standard planning conditions.

RESOLVED that W13/0115 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 site location plan and approved drawing (number 101), and specification contained therein, submitted on 30 January 2013. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and

PLANNING COMMITTEE MINUTES (Continued)

approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. 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.

220. W13/0264 - 31 HEATHCOTE ROAD, WHITNASH

The Committee considered an application from Mr Bains for alteration to the grass verge to the front of the property by resurfacing in tarmac.

This application was presented to the Committee because Whitnash Town Council had made an objection to the application.

The officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

It was the officer's opinion that one of the principles of Garden Cities was to blend the best of town and country life, with tree lined avenues for healthy pedestrian routes. The verges located within Heathcote Road helped contribute to the attractive green character of the area which created a strong positive impression to visitors as well as the local people. The removal of part of the verge was considered a small amount when viewed in relation to the amount of verge which would be maintained. It was considered that the removal of part of the verge would not have a detrimental impact on the surrounding area or be incompatible with the Garden City principles and therefore was in compliance with the aforementioned policies.

The Head of Development Services explained that Condition 3 stated in the report was no longer thought appropriate, and officers were recommending a revision of Condition 3 so that a bollard would be installed before the proposed works to prevent damage to the verge.

Councillor Mrs Falp addressed the Committee as Ward Councillor in opposition to the application. She accepted that even though the application concerned a small amount of grass and many homeowners had already done the same to at the front of their properties, the Town Council was making efforts to preserve green areas within Whitnash and she asked the Committee to refuse the application and ask the homeowner to replace the grass area.

PLANNING COMMITTEE MINUTES (Continued)

Members felt that the application concerned such a small area of grass and plainly many other homeowners had had the same works carried out, that it would be very difficult to defend a refusal decision. The installation of a bollard would help preserve the remaining grass area.

Therefore, following consideration of the report and presentation, along with the representations made at the meeting, the Committee was of the opinion that the application should be granted.

RESOLVED that W13/0264 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 site location plan and approved drawing submitted 4th March 2013 and specification contained therein **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) before the proposed works to the verge are brought into use, the wooden bollard, indicated on the approved plan dated 4th March 2013, shall be installed in accordance with the standard specification of the Highway Authority. **Reason:** To prevent the overrunning of the verge margins, in the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

221. W13/0231 – 60 CLARENDON AVENUE, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr Nijjar for conversion of an existing 14 bed nursing home to a 14 bed student House in Multiple Occupation (HIMO) accommodation with five off-street parking spaces to the rear accessed from Clarendon Street. This was a resubmission of planning application W13/0033.

This application was presented to the Committee because Royal Leamington Spa Town Council had made an objection to the application and Councillor Weber had requested that the application be considered by the Planning Committee.

The officer considered the following policies to be relevant:

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DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
National Planning Policy Framework paragraphs 50 & 58

It was the officer's opinion that the proposed development was of an acceptable standard which would harmonise with its surroundings and would not result in an unacceptable adverse impact on the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

Mr Patel addressed the Committee in support of the application. He informed Members that the building was no longer viable as a nursing home but it was ideally suited as a HIMO. He stated that the plans were in line with Government guidelines for HIMOs and any works would only be carried out with approval from the Planning officers. The proposals would have no impact on the character of the street or on neighbours. In respect of parking, residents would not be allowed to apply for street parking permits and parking would be provided at the rear of the building. Liaison with residents would ensure that both parking and refuse issues were not a problem.

Councillor Weber addressed the Committee as a Ward Member in opposition to the application. He informed the Committee that there were at least five other HIMOs on Clarendon Avenue and this application would create a high concentration of HIMOs in the area. This had created an area with a high level of students living there and all the incumbent issues this could bring such as noise levels and rubbish. Complaints had been received about these problems both from other residents living in Clarendon Avenue and others living in nearby streets. He asked the Committee to defer a decision until the Council had a policy for HIMOs in place.

Councillors were concerned about the fact that the parking provision in the proposals did not meet the required policy. Under this policy, seven parking spaces would be required. Both the Head of Development Services and the Council's Solicitor advised caution as the Highway Authority had not raised an objection in respect of parking provision.

A motion to refuse the application on the basis of insufficient parking spaces as per the policy was defeated. A motion to grant the application as per the recommendations in the report was also defeated.

PLANNING COMMITTEE MINUTES (Continued)

A third motion to defer any decision until after a site visit had taken place was successful.

Therefore, following consideration of the report and presentation, along with the representations made at the meeting, the Committee was of the opinion that the application should be deferred until a site visit had taken place.

RESOLVED that W13/0231 be DEFERRED pending a site visit.

222. **W13/0402 – LAND AT WALCOTE HOUSE, SANDY LANE, BLACKDOWN, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr Jones for the erection of a live-work unit and detached garage; use of existing outbuildings for storage purposes (Use Class B8); and discontinuing use of the site as a building contractor's yard.

Councillor MacKay had requested that the application be considered by the Planning Committee.

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)
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)
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)
RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

An addendum circulated at the meeting outlined that an amended plan had been received showing three additional parking spaces for the "work" element of the development. The applicant had also submitted further details of the air source heat pump and solar panels. The addendum also indicated that the County Ecologist had raised no objection, subject to various conditions and informative notes. The applicant had submitted further comments in relation to the highway issue to which the Highway Authority had advised that there was insufficient information to withdraw its objection.

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It was the officer's opinion that the proposals represented inappropriate development that would harm the openness and rural character of the Green Belt. The applicant had not demonstrated very special circumstances to outweigh the conflict with Green Belt policy or the harm that would be caused. Furthermore, the erection of a new build live-work unit in this countryside location remote from any local services would represent an unsustainable form of development. There were also concerns about the substandard visibility splays for the access and the proximity of the access gates to the public highway. It was therefore recommended that planning permission be refused.

Mr Frampton addressed the Committee in support of the application. He explained that the land was a brownfield site and had formerly been the car park for Walcote House. He felt that business growth should be encouraged and that special circumstances did exist to grant permission for the application. In respect of the access to the site details, these could be dealt with by a negatively worded condition.

Councillor MacKay addressed the Committee as a District Councillor in support of the application. He felt that traffic was virtually non-existent, and any traffic there would be mostly light vehicles with the workers travelling from home to their workplace. He pointed out that the site had been commercial before it had changed to residential use. It had a history as a builder's yard and it was possible that it could be that again. The new business was in technology research with four people involved. This would minimise traffic. The report had emphasised the Green Belt situation but had not mentioned the brownfield element. Councillor MacKay questioned how the openness of the Green Belt could be affected when there were not many properties around. He pointed out that the adjacent property was a cottage that had been extended to three times its original footprint. He finished by saying that the property was well suited as a residence and workplace, it would not harm the Green Belt nor would it affect the Green Belt's openness.

(Councillor MacKay left the room for the remainder of the discussions on this application.)

After much discussion, Members agreed that there were special circumstances to grant permission. It was confirmed that the site was Green Belt and not brownfield. Members agreed that special circumstances arose from the fact that it had all the makings of a developed site, it was currently very unsightly, despite being screened from view and was surrounded by three substantial properties. It was noted that the proposals were no larger than the surrounding properties and the design had attempted to match the character of the adjoining property. Councillors also noted that the area was well served by bus routes.

Therefore, following consideration of the report and presentation, along with the representations made at the meeting and the information contained in the addendum, the Committee was of the opinion that the application should be granted contrary to the recommendations in the report. Councillors agreed standard conditions plus various additional conditions would be required which included conditions to protect badgers and trees. Access arrangements would have to be agreed, the site could

PLANNING COMMITTEE MINUTES (Continued)

only be used for the purposes detailed in the proposals and the layout must be as per those detailed on the plans. Any changes to the internal arrangements would require approval. There would also be a sustainable energy requirement condition.

RESOLVED that W13/0402 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 site location plan and approved drawing(s) 860-A1-010E, 860-A1-011E, 860-A1-012C, 860-A1-013D, 860-A1-014D & 860-A1-016, and specification contained therein, submitted on 25 March 2013 & 23 April 2013, except as required by Condition 3 below. **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) notwithstanding the details of the access gates shown on the approved plans, no development shall commence until details of a revised arrangement to show the gates set 5 metres back from the road have been submitted to and approved in writing by the District Planning Authority. The live-work unit hereby permitted shall not be occupied unless and until the existing gates have been repositioned or replaced in accordance with the approved details. **REASONS:** In the interests of highway safety, in accordance with Policy DP6 of the Warwick District Local Plan;
- (4) no part of the development hereby permitted shall be commenced until a detailed badger survey (including timetabled mitigation measures where appropriate) has been carried out by a suitably qualified badger consultant and has been submitted to and approved in writing by the District Planning Authority. Any approved mitigation measures shall be implemented in accordance with the approved timetable. **REASON:** To ensure appropriate measures are taken in relation to protected species, in accordance with Policy DP3 of the

PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan;

- (5) the development hereby permitted shall either:
- a) be timetabled and carried out so that no work takes place during the bird breeding season (March to September inclusive); or
 - b) not commence until a qualified ecologist has been appointed by the applicant to inspect the buildings and vegetation to be impacted on / cleared on site for evidence of nesting birds (immediately prior to works) and a report detailing the findings has been submitted to and approved in writing by the District Planning Authority. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by the ecologist. **REASON:** To prevent possible disturbance to nesting birds and to ensure that protected species are not harmed by the development, in accordance with Policy DP3 of the Warwick District Local Plan;
- (6) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been previously approved in writing by the local Planning Authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) on the site, or those tree(s) on adjacent land whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** To protect

PLANNING COMMITTEE MINUTES (Continued)

those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

- (7) the development hereby permitted shall only be undertaken in strict accordance with a scheme of site investigation of the nature and extent of contamination within the application site that has been undertaken in accordance with a methodology which has previously been submitted to and approved in writing by the local Planning Authority. The results of the site investigation shall be made available to the local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local Planning Authority. The site shall not be occupied until remediation measures have been carried out in full accordance with such approved details and a soil validation report has been submitted to and approved in writing by the local Planning Authority.
REASON: To safeguard health, safety and the environment in accordance with Policies DP3 & DP9 of the Warwick District Local Plan 1996-2011;

- (8) no development shall commence until details of the finished floor levels of all buildings and existing and proposed site levels on the application site and the relationship with adjacent land and buildings have been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in strict accordance with these approved details or any subsequently approved amendments. **REASON:** To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (9) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall have been submitted to and approved in

PLANNING COMMITTEE MINUTES (Continued)

writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the live-work unit hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the Local Planning Authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

- (10) the development shall be carried out only in full accordance with sample details of all external facing and roofing materials which shall have been submitted to and approved in writing by the Local Planning Authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (11) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

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- (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented. **REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;
- (12) the live-work unit hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times unless otherwise agreed in writing by the Local Planning Authority. **REASON:** To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies DP1, DP2 & DP8 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 building or enclosure shall be provided within the curtilage of, and no extension or addition erected or constructed to, the live-work unit hereby permitted. **REASON:** That having regard to the location of the site within the Green Belt and the fact that this development is only granted due to very special circumstances, it is important to ensure that no further development is carried out which would detract from the openness of the area. Therefore, no additional development is to be carried out without the permission of the Local Planning Authority in accordance with National Planning Policy Framework;
- (14) the business element of the live-work unit hereby permitted shall be used for purposes within Use Classed B1(a) and B1(b) and for no other purpose, including any other purpose within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that

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Class in any statutory instrument revoking and re-enacting that Order with or without modification, unless otherwise agreed in writing by the Local Planning Authority.

REASON: The premises are closely adjoined by residential properties and it is considered necessary to strictly control the nature and intensity of the use of the premises in the interests of the amenities of the area in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011;

- (15) 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;

- (16) the business floorspace of the live/work unit shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the business use.

REASON: Permission is only being granted as the specific type of live/work use proposed, making use of the premises as an integrated whole, will support economic growth and the viability of the rural area in accordance with the National Planning Policy Framework 2012;

- (17) the living unit and B1 business unit shall not be subdivided, sublet or separately sold off and the residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floorspace of that unit, a widow or widower of such a person, or any resident dependants. **REASON:** Permission is only being granted as the specific type of live/work use proposed, making use of the premises as an integrated whole, will support economic growth and the viability of the rural area in accordance with the National

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Planning Policy Framework 2012; and

- (18) no storage shall take place in the open on any part of the site. **REASON:** To ensure that an adequate service and parking area is retained within the site and to protect the openness of the Green Belt and the living conditions of neighbouring dwellings, in accordance with Policies DP2, DP8 and DP9 of the Warwick District Local Plan 1996-2011 and the National Planning Policy Framework.

223. W13/0337 – RED HOUSE, 113 RADFORD ROAD, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr Ballinger for a proposed change of use from former public house (ground floor) to residential unit.

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

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)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC8 - Protecting Community Facilities (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)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework

An addendum circulated at the meeting stated that the number of signatures on the petition had risen to 217. A further four objections had been received, raising concern over the loss of the public house and that insufficient time had been given before the sale for the opportunity to turn the Red House back into a successful, thriving local pub. There was also an objection to the removal of the left chimney. Other objections had been received from two local residents stating that the applicant's information was inaccurate and misrepresented the amount of tenants that had

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occupied the public house. Furthermore, an offer had been put to Urbanside Properties by a local resident to purchase the public house on 12 June 2012, but this was unsuccessful. Urbanside Properties confirmed that this was the case but noted that the other offer was also for a residential conversion.

It was the officer's opinion that the development would not cause unacceptable harm to the amenities of surrounding occupiers or the architectural and historic character of the Conservation Area within which the site was located. The proposal was therefore considered to comply with the policies listed.

Mr Dwyer addressed the Committee in opposition to the application. He had worked closely with the Planning department on behalf of local residents. He was concerned that the Red House had not been marketed for the required 12 months as a public house and stated that he knew of one couple who had been prepared to take over the place. The Campaign for Real Ale (CAMRA) had given overwhelming support for the Red House to remain a public house and a petition had been signed by 213 people to keep the community facility.

Mr Ballinger, the applicant, addressed the Committee in support of the application. He informed the Committee that when he had purchased the Red House, it had not been an operating public house; indeed all the internal equipment that had made it a public house had been removed. The three previous tenants at the Red House had failed to make a going concern of the business and when the pub operators undertook a recovery plan in 2010, the results indicated insufficient trade. The Red House had been advertised in the press and online, but no offers were received from licensed operators. Mr Ballinger also informed the Committee that the garden at the rear of the premises was not a community facility and had only been open to the public at the discretion of the operators. He also pointed out that there was another public house very close by.

Councillor Barrott addressed the Committee as Ward Councillor in opposition to the application. He was concerned that the community would lose the use of the rear garden and felt that the application was contrary to policy SC8 to protect community facilities. Local residents were firm in their belief that it was a community facility, and that the Red House should be restored and re-opened as a public house. Councillor Barrott pointed out that the application was for a change of use, and that Mr Ballinger should have secured this before buying the property. Councillor Barrott pointed out that it was not obligatory to only receive offers from licensed operators as a person could always apply for a licence afterwards. He felt that there was an obligation for the applicant to provide evidence that he had actively marketed the Red House for 12 months as either a tenancy or freehold. Councillor Barrott stated that an offer had been made by people who thought that the Red House could be viable as a public house, but their offer had been refused by the agents who wanted more money. Yet a month later, Mr Ballinger had purchased the property for the same price as had been offered. Councillor Barrott felt that the other public house that was nearby did not offer the same facilities as the Red House. He asked the Committee either to refuse the application or defer a decision until certain matters could be clarified.

PLANNING COMMITTEE MINUTES (Continued)

(Councillor Barrott then sat with the public for the remainder of the discussions on this application.)

Members sought clarification on what was included within the application and were informed that the garden was not part of the application, and as the application dealt with a change of use for the ground floor only, this was what should be considered. After much debate, Members felt that the application should be refused as it was contrary to policy SC8 and the Red House had not been actively marketed for 12 months. Members felt that the community should be given the opportunity to use the premises or risk losing it.

Therefore, following consideration of the report and presentation, along with the representations made at the meeting and the information contained in the addendum, the Committee was of the opinion that the application should be refused contrary to the recommendations in the report.

RESOLVED that W13/0337 be REFUSED for the following reason:

- (1) Policy SC8 of the Warwick District Local Plan 1996-2011 states that redevelopment or change of use of community facilities that serve local needs will not be permitted unless a) there are other similar facilities accessible to the local community by means other than the car; and either b) the facility is redundant and no other user is willing to acquire and manage it; or c) there is an assessment demonstrating a lack of need for the facility within the local community. The subtext to the policy goes on to add that for the redevelopment or change of use of community facilities when demonstrating need the applicant will be required to provide evidence to prove that the facility has been actively marketed for a community use for at least a period of twelve months. This policy approach is consistent with paragraph 70 of the National Planning Policy Framework which states that to deliver the social, recreational and cultural facilities the community needs, planning policies and decisions should (among other things) guard against the unnecessary loss of valued facilities and services, including public houses, to enhance the sustainability of communities and residential environments.
In the opinion of the Local Planning Authority, the proposed change of use of the public house (Use Class A4) to a residential unit (Use Class C3) would be contrary to Policy SC8(c) of the Warwick District Local Plan 1996-2011 and the

PLANNING COMMITTEE MINUTES (Continued)

NPPF in that the applicant is not considered to have successfully demonstrated a lack of need for the facility within the local community, particularly in light of the significant public support for the existing use. There is also an insufficient appraisal to the viability of the existing public house use or as to whether the building has been properly marketed as for a community use for at least a period of 12 months.

224. W13/0176 - 87 KINGSLEY ROAD, BISHOP'S TACHBROOK

The Committee considered an application from Mr Young for a proposed construction of a two storey side and rear extension.

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

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)
DP8 - Parking (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)
The 45 Degree Guideline (Supplementary Planning Guidance)
Vehicle Parking Standards (Supplementary Planning Document)
National Planning Policy Framework

An addendum circulated at the meeting indicated that Bishop's Tachbrook Parish Council had subsequently withdrawn its objection.

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. The proposal was therefore considered to comply with the policies listed.

Councillor Brookes stated that the application site was in his Ward.

Members noted that because the Parish Council had withdrawn its objection, the application could have been delegated to the Planning Officer for decision, therefore they dispensed with the officer's presentation. Following consideration of the report along with the information contained in the addendum, the Committee was of the opinion that the application should be granted.

RESOLVED that W13/0176 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall begin

PLANNING COMMITTEE MINUTES (Continued)

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) 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;
- (3) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 02 and 04B, and specification contained therein, submitted on 14/02/13 and 10/04/13. **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;
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's 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;
- (5) the proposed development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 78 Kingsley Road and shall only be occupied by members of the family occupying 78 Kingsley Road and shall not be used as a separate dwelling without the prior written approval of the Local Planning

PLANNING COMMITTEE MINUTES (Continued)

Authority. **REASON:** That the site is incapable of providing satisfactory off-street parking facilities and a satisfactory level of amenity space for two separate dwellings in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011; and

- (6) notwithstanding the first floor window to be formed in the south facing elevation of the dwelling house hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011. building would be considered as inappropriate development within, and harmful to the openness of, the Green Belt in accordance with the National Planning Policy Statement (NPPF).

225. W13/0099 – 9A MASEFIELD AVENUE, WARWICK

The Committee considered an application from Mr Keep for the demolition of an existing single garage and the construction of a new three bedroom detached house with associated off-street parking for two cars.

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

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)
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)
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)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Open Space (Supplementary Planning Document - June 2009)
National Planning Policy Framework: paragraph 53.

It was the officer's opinion that the development respected surrounding buildings in terms of scale, height, form and massing and did not adversely

PLANNING COMMITTEE MINUTES (Continued)

affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

One Member raised the issue of flooding but was informed that neither the Environment Agency nor Community Protection considered this an issue. The Member confirmed that the flooding issue she was referring to was on the other side of the road. During the site visit, it had been pointed out that the other houses surrounding the application site had chimneys. Members agreed that a condition should be put on the application to require a chimney on the property, even if the chimney was a dummy one so that the house would be a better fit.

Therefore, following consideration of the report and presentation, the Committee was of the opinion that the application should be granted.

RESOLVED that W13/0099 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 site location plan and approved drawing(s) 001/7.11, 001/7.10, and specification contained therein. **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) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:
 - (i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and
 - (ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

REASON: To ensure the necessary infrastructure and facilities are provided in

PLANNING COMMITTEE MINUTES (Continued)

accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. 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;
- (5) the development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works that have been submitted to and approved in writing by the Local Planning Authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;
- (6) the development shall be carried out only in full accordance with sample details of the elevational materials which have been submitted to and approved in writing by the Local Planning Authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;
- (7) 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 included within Schedule 2, Part 1, Class A shall be carried out. **REASON:** That due to

PLANNING COMMITTEE MINUTES (Continued)

the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the Local Planning Authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;

- (8) 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) the first floor window(s) to be formed in the side facing elevation of the dwellinghouse hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011;
- (9) the dwelling hereby permitted shall not be occupied unless and until the car parking provision for that dwelling has been constructed and made available for use for the occupants and thereafter those spaces shall be retained for parking purposes. **REASON:** To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the Local Planning Authority's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies DP1 & DP8 of the Warwick District Local Plan 1996-2011;
- (10) notwithstanding the approved plans, before development hereby approved commences details must be submitted to and approved in writing by the Local Planning Authority showing amended elevational drawings to include a feature chimney stack. Thereafter the development shall be carried out in accordance with the approved details and constructed with matching materials, as agreed under Condition 6 of this permission. **REASON:** To ensure an appropriate design solution that will contribute to the character and appearance of the new dwelling and the visual amenities of the street scene and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and

PLANNING COMMITTEE MINUTES (Continued)

226. W13/0300 - 1 STAUNTON ROAD, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr and Mrs Dhami for a change of use to House in Multiple Occupation and erection of a single storey rear extension.

This application was presented to the Committee because of the number of objections received, including one from Royal Leamington Spa Town Council.

The officer considered the following policies to be relevant:

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

It was the officer's opinion that due to the small amount of existing HIMOs within the area described above, the proposed change of use would not lead to an over concentration of HIMOs within the area and therefore would not have an adverse impact on the amenity of nearby residents in accordance with Policy DP2. The off-road parking provision was consistent with Policy DP8 of the Warwick District Local Plan 1996-2011.

Members felt that conditions should be added to the planning permission in respect of noise attenuation and renewable energy.

Therefore, following consideration of the report and presentation, the Committee was of the opinion that the application should be granted.

RESOLVED that W13/0300 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 site location plan and approved drawings 1988/2/A & 1988/3/A and specification contained therein, submitted on 15th April 2013. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1

PLANNING COMMITTEE MINUTES (Continued)

and DP2 of the Warwick District Local Plan 1996-2011;

- (3) the proposed use of the property hereby permitted shall not commence unless and until a pavement and verge crossing has been constructed to the site in strict accordance with the approved drawing No.1988/3/A showing the existing front boundary wall to be removed and the existing footway crossing extended. **REASON:** To ensure that a pavement and verge crossing is available for use when the development is completed thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011;
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. 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; and
- (5) before the use commences, the building shall be insulated in strict accordance with a scheme of works which have been submitted to and approved in writing by the Local Planning Authority and thereafter such works shall not be removed or altered in any way. **REASON:** To ensure that the level of noise emanating from the building is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

227. **W13/0153 - BEACONSFIELD, LAPWORTH STREET, BUSHWOOD, LOWSONFORD, HENLEY-IN-ARDEN**

The Committee considered an application from Mr Cooper for the demolition of existing barns and stables and the erection of a detached portal steel framed building for storage of machinery, hay and straw and for the owners' private horses.

This application was presented to the Committee because Lapworth Parish Council had made an objection to the application.

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)

National Planning Policy Framework

National Policy stated that a new building within the Green Belt should be considered as inappropriate development unless it was the replacement of an existing building within the same use and not materially larger than the one it replaced. It was the officer's opinion that the proposed building was an exemption to this because it proposed to replace several existing buildings with a building which was not materially larger. The proposed building would have had an appearance of an agricultural building which would be located within the open rural countryside and it was considered that the proposed design of the building would not introduce an alien feature within the Green Belt.

Members were in agreement that the proposals improved the layout and configuration of the site.

Therefore, following consideration of the report and presentation, the Committee was of the opinion that the application should be granted.

RESOLVED that W13/0153 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 site location plan and approved drawings 33909 Rev A & 33909 Rev B submitted on 2nd April 2013 and specification contained therein. **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

PLANNING COMMITTEE MINUTES (Continued)

- (3) before the building hereby permitted is constructed the existing buildings as indicated within the application documentation (drawing No.33908 Rev A) shall be removed and the site left in a clean and tidy condition. **REASON:** The removal of the existing buildings has enabled the approved development. The proposed building together with the existing building would be considered as inappropriate development within, and harmful to the openness of, the Green Belt in accordance with the National Planning Policy Statement (NPPF).

228. W13/0314 – 57 ROSELAND ROAD, KENILWORTH

The Committee considered an application from Mrs Sidhu for a front, side and rear ground floor extension to the existing shop. Also a first floor side and rear extension to form two no. additional dwellings.

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

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)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Vehicle Parking Standards (Supplementary Planning Document)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the 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 amenity which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

Members noted that this was a renewal of a previous permission and there had been no changes in policy affecting this application since the previous decision. Therefore, following consideration of the report and presentation, the Committee was of the opinion that the application should be granted.

RESOLVED that W13/0314 be GRANTED subject to the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- (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) submitted with planning application W/09/1502 (1550-02L received 10 February 2010), and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall not be commenced unless and until details of the location and specification of the air source heat pump detailed in the OG Energy statement submitted with the application have been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications.
REASON: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (4) details of the means of disposal of storm water 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 to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011;
- (5) prior to the occupation of the development hereby approved, the pedestrian crossing adjacent to number 57 should have wooden

PLANNING COMMITTEE MINUTES (Continued)

bollards installed in accordance with a scheme to be submitted to and agreed in writing by the District Planning Authority. **REASON:** To ensure that this crossing is not used by cars, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

- (6) the development hereby permitted shall not be commenced until the existing vehicular access to the front of the site from Roseland Road has been widened to 7 metres (i.e. to the edge of the applicants boundary, as measured from the near edge of the public highway carriageway). **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (7) the parking area hereby permitted shall be surfaced, with a permeable material and available for use prior to the occupation of the development hereby permitted, in full accordance with the approved plan. **REASON:** To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (8) 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;
- (9) the development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able 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; and
- (10) the development hereby permitted shall not be brought into use until the gates to the rear access of the development have been removed. **REASON:** To enable vehicles to access the parking spaces without blocking the public highway, in the interests of highway

PLANNING COMMITTEE MINUTES (Continued)

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

229. W13/0377 – UNIT 169, AVENUE H, STONELEIGH PARK, STONELEIGH

The Committee considered an application from Mr Upfield for alterations to fenestration and elevations and the installation of air source heat pumps and associated equipment.

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

The officer considered the following policies to be relevant:

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

An addendum circulated at the meeting outlined that Stoneleigh and Ashow Joint Parish Council supported the application with the following comments:

“Stoneleigh Park is acknowledged as a major development site in the Green Belt and is adjacent to Registered Parkland and a Grade I Listed Building.

When the Master Plan application was discussed at Committee (W12/0766) much was made by the Planning department of the necessity to take "an holistic" approach to the development of this important site, however, this application is being considered in the absence of an agreed Design Framework. As such there is no agreed cohesive plan to address matters of design. Condition 1 of the Master Plan requires details of the appearance of all building(s), landscaping of the site, the layout and its relationship with adjoining development etc...and condition 14 requires that the development shall be carried out only in full accordance with sample details of the external facing materials of all buildings which have been submitted to and approved in writing by the LPA.

It is difficult to assess whether the current proposal is acceptable without knowing the design for the whole site. A Design Framework would ensure a good standard of design and consistency in this highly designated area. Piecemeal development within the Park will result in a more fragmented appearance. It is acknowledged that the proposal will improve the energy efficiency and reduce energy consumption. We trust that officers will consider the application against the wider development plan and any other material considerations.”

It was the 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.

PLANNING COMMITTEE MINUTES (Continued)

As the application was for alterations to the fenestration and elevations and the installation of air source heat pumps and associated equipment, the Committee did not need the officer to give a presentation. Following consideration of the report, along with the information contained in the addendum, the Committee was of the opinion that the application should be granted. Councillor Illingworth asked the Planning Officer to advise the Parish Council of the decision.

RESOLVED that W13/0377 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); and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) (PU1844/01D; PU1844/02A), and specification contained therein, submitted on 20 March 2013.
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.

230. ENF 273/27/12 – 138 PARADE, ROYAL LEAMINGTON SPA

The Committee considered a report in respect of non-illuminated fascia and projecting advertisements and vinyl window displays.

The report was presented to the Committee in order to request that enforcement action be authorised.

The case officer considered the following policies to be relevant:

DP 1: Layout and Design.

DAP4: Protection of Listed Buildings.

DAP 8: Protection of Conservation Areas.

Supplementary Planning Guidance on Shop Fronts and Advertisements in Leamington Spa.

Unauthorised alterations to this Grade II Listed Building had been identified comprising the installation of unauthorised fascia and projecting signs; and the extensive use of vinyl window displays within the shop front had been undertaken without listed building consent.

Investigation commenced in July 2012. During contact with the parties responsible for those changes, they were advised that listed building and advertisement consent were unlikely to be granted. Nevertheless, both

PLANNING COMMITTEE MINUTES (Continued)

listed building and advertisement consent applications were submitted including the proposed retention of the fascia advertisement.

Both applications were refused under delegated powers because of the impact on the character and appearance of the Listed Building and of the Conservation Area.

In view of the refusal of advertisement and listed building consent, the harm arising from the unauthorised works and the absence of a voluntary resolution to this matter, it was considered that it was now appropriate to issue a Listed Building Enforcement Notice directed at the remedy of this situation.

Members felt that there was no reason why this shop should not comply with the policies when surrounding shops were complying.

Following consideration of the report and presentation, the Committee was of the opinion that enforcement action requiring the removal of the unauthorised fascia sign, projecting signs and vinyl window graphics with a compliance period of two months should be authorised, in accordance with the recommendations in the report.

RESOLVED that ENF498/48/12 be AUTHORISED, directed at the removal of the unauthorised signage and all means of illumination with a compliance period of two months.

(The meeting ended at 9.40 pm)