PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 16 October 2012 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

An apology was received from Councillor Ms De-Lara-Bond.

The Chair welcomed Councillor Mrs Bromley to the Committee, who had taken over the position previously occupied by Councillor Mrs Bunker.

104. **DECLARATIONS OF INTEREST**

Minute Number (item 6) – W12/0864 – Fernhill Farm, Rouncil Lane, Kenilworth

Councillor Illingworth declared a personal and pecuniary interest because the applicant was known to him. He agreed to leave the room for the duration of the item.

Councillor MacKay declared a personal interest because the applicant was known to him.

Minute Number (item 8) – W12/0913 – The Oak Inn, 89 Radford Road, Royal Leamington Spa

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

Minute Number (item 10) – W12/1065 – Lake View Cottage, 15 Castle Hill, Kenilworth

Councillor Mrs Blacklock declared a personal and pecuniary interest because she was speaking on the item and knew objectors to the application. She agreed to leave the room after speaking on the item and not participate in the discussion or voting on the application.

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

Minute Number (item 12) – ENF 181/18/12 – Post Office Cottage, Hatton Green, Warwick

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

105. **SITE VISITS**

To assist with decision making, Councillors Mrs Bromley, Cross, MacKay and Weed visited the following application sites on Saturday 13 October 2012:

W12 / 0913 - The Oak Inn, 89 Radford Road, Leamington Spa
ENF 181/18/12 - Post Office Cottage, Hatton Green, Warwick
W12 / 1065 - Lake View Cottage, 15 Castle Hill, Kenilworth

106. **MINUTES**

The minutes of the meeting held on 5 September 2012 were not presented for approval.

107. **W12/0864 – FERNHILL FARM, ROUNCIL LANE, KENILWORTH**

The Committee considered a retrospective application from Mr and Mrs Cockburn for change of use of part of the paddock to provide an extension to existing caravan storage (amended scheme to ref W11/1109) which proposed caravan storage use of the whole paddock.

The application was presented to the Committee because a number of comments in support of the application had been received and it was recommended for refusal.

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)
RAP9 - Farm Diversification (Warwick District Local Plan1996 - 2011)
National Planning Policy Framework
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)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)

An addendum circulated at the meeting advised the Committee that four further representations had been received, all of which supported the application. The points raised included the boost to the local and national economy; provision of a much needed facility; no visual impact, noise or pollution; the site prevented caravans being stored in residential areas where they could be an eyesore, cause security and neighbour problems; there were no access problems; the site provided employment; caravans were already stored on the site; the land had limited agricultural value; caravans were not permanent; and alternative secure sites were not convenient.

Councillor Hitchens addressed the Committee on behalf of Kenilworth Town Council, speaking in support of the application, pointing out that there was clearly a need in the community for caravan storage and backing this up with a quote from the Caravan Club. He pointed out that the nearest alternative storage was in Solihull, Nuneaton or Snitterfield, which was considerably more expensive. The Town Council had always been in favour of the site, it was out of the way, not overlooked and there was overwhelming local support. It took caravans off local roads. Councillor

Hitchens confirmed that the Town Council would be happy for the application to be approved, subject to the conditions it had put forward.

The applicant Mr Cockburn spoke in support of his application. It related to an existing business which would not increase in size but which would be significantly affected if the application were refused. The business had tried to address concerns raised following submission of a previous planning application. He pointed out that a large number of caravans were stolen in Warwickshire each year, so there was a need for a secure location away from prying eyes. Caravans had been stored at this location for 30 years, a site which was not overlooked and was well screened. Mr Coburn pointed out that the Greenbelt stopped unsightly development but also relied on a thriving rural economy which this site contributed to. He talked about the effect of refusal, not just on the 3 people employed on the site, but also on a further 25 involved in local caravan sales.

It was the case officer's opinion that there were no very special circumstances or justification to show that the need outweighed the harm for this inappropriate use within the Green Belt and thereby the application was contrary to the National Planning Policy Framework. Whilst the proposal would contribute towards sustaining the vitality of the existing farm buildings, the scale and nature could not be satisfactorily integrated into the landscape without being detrimental to its character, thereby being contrary to Policy RAP9 of the Local Plan.

A proposal to accept the application contrary to the officer's recommendations was proposed but not seconded.

Following consideration of the report and presentation, along with representations made at the meeting and the information contained in the addendum, the Committee was of the opinion that the application should be refused in accordance with the case officer's recommendation, but with an enforcement period for removal of the caravans of 6 months.

RESOLVED that item W12/0864 be REFUSED for the reasons stated below:

(1) the site is situated within the Green Belt and the National Planning Policy Framework (NPPF) seeks to protect the open character of the Green Belt. It also contains a general presumption against "inappropriate" development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The development applied for under this application does not fall within any of the categories listed in the NPPF and, in the Planning Authority's view, very special circumstances sufficient to justify departing from the NPPF have not been demonstrated; and

(2) Policy RAP9 of the Warwick District Local Plan 1996-2011 states that developments for farm diversification should be of a scale and nature appropriate to the rural location and that they

should be satisfactorily integrated into the landscape without being detrimental to its character. The proposal cannot be satisfactorily integrated into the landscape and is considered to be detrimental to its character and is therefore contrary to Policy RAP9.

(The Vice Chairman, Councillor MacKay, chaired the meeting for this item. The Chair, Councillor Illingworth, left the meeting for the duration of the item, having declared an interest.)

108. W12/0913 – THE OAK INN, 89 RADFORD ROAD, LEAMINGTON SPA

The Committee considered an application from Sainsbury Supermarkets Limited for part demolition, internal alterations, conversion and extension to create a convenience retail food store (Use Class A1) including plant equipment, solar photovoltaics and associated highway, parking, engineering and landscaping works.

The application was presented to the Committee because a number of comments in support had been received and it was recommended for refusal.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
UAP3 - Directing New Retail Development (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)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework

An addendum circulated at the meeting informed the Committee of petitions of objection with a total of 434 signatures; that one further objection had been received, raising similar issues to those listed in the report; and four further comments of support had been received, raising similar issues to those listed in the Committee Report and commenting that the proposed store included off-street parking, in contrast with the existing

nearby store which did not include any off-street parking and which they considered to be detrimental to highway safety.

Mr Dulay addressed the Committee, representing Royal Leamington Spa Town Council's objections to the application as set out in the committee report. He emphasised that the application was contrary to 4 local plan policies, that there was a significant level of objection and that the proposed car parking was both inappropriate and dangerous. The lack of car parking provision would be compounded by staff using parking spaces, it would have an impact on streets and residential areas, and the need for this sort of retail was inappropriate, being in breach of UAP(3) condition E.

Mr Myers addressed the Committee, objecting to the application on the grounds that the majority of local residents were against it, that it would attract a large number of customers and therefore have a significant impact on car parking, and talking about the danger of the car park and the busy adjacent road to pedestrians and, in particular, vulnerable local residents such as the elderly and children. Mr Myers felt that, should the application be approved, there should be a condition requiring a safe crossing for residents.

Ms Arnall spoke to the Committee in support of the application, representing Sainsbury Supermarkets Limited. She talked about the report addressing perceived concerns and pointed out differences of opinion between the District and County Councils in terms of what constituted an appropriate number of car parking spaces. Experience suggested that there would be a lot of walking shoppers and Sainsbury were confident that the store parking would meet demand. Ms Arnall also pointed out that a pedestrian crossing would be installed, that the store would create jobs and provide a convenient facility.

Mr Taylor spoke to the Committee in support of the application. He was a local resident, born close to the site in question. He did not perceive any danger to pedestrians. Mr Taylor was now elderly and did not want to depend on helpers, but to be able to shop locally. He felt that it made sense to have a local store rather than something which people had to drive to.

Councillor Barrott spoke in objection to the application. He did not agree that there was sufficient parking. Furthermore, he believed there were more grounds for refusal than had already been given: the proposal would have an immense impact on three local shops, possibly resulting in their closure, or having an impact on their vitality and on the families who ran them, being contrary to policy UAP3; it would impact on neighbouring dwellings, there being a locally run business which would be affected by the proposed opening times; and he was not convinced that the conservation area was an appropriate setting for such a contemporary retail development, thereby being contrary to policies DAP8, DAP9 and DP2.

It was the case officer's opinion that the proposed store would not adversely impact on the vitality and viability of the town centre and local shopping centres or on the living conditions of neighbouring dwellings, would preserve the character and appearance of the Conservation Area and would not cause harm to bats. However, it would cause unacceptable loss of amenity for nearby residents through the loss of on-street parking

because the proposed parking provision was less than half of the Council's car parking standards. Furthermore, pedestrian and vehicular manoeuvring arrangements within the site were not considered acceptable on safety grounds. Whilst the economic and environmental benefits of the proposed development in terms of creating jobs and bringing an empty property back into use were acknowledged, these benefits were not considered so sufficient to outweigh the harm caused to the amenity of surrounding occupiers or the safety of users of the proposed development.

At this point in the proceedings, Councillor Wilkinson sought legal advice because he was an advisor to the Mary Portas Trust, which had been mentioned in discussion. He did not participate in the remainder of the discussion on this item and did not vote.

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 in accordance with the officer's recommendation, with an additional reason for refusal that the proposal was contrary to local plan policy UAP3 having regard to its impact on the viability and vitality of the Old Town area.

RESOLVED that item W12/0913 be REFUSED for the following reasons:

(1) the proposed car parking provision is significantly below the amount required by the Council's Parking Standards. The Parking Standards require 31 spaces for a food store of this size, whereas the proposals only provide for less than half of this requirement (14 spaces). In the opinion of the District Planning Authority, this under-provision of parking is likely to result in a significant amount of on-street parking during peak times. On-street parking in the vicinity of the application site is very restricted and a large proportion of the dwellings in the surrounding area do not have any off-street parking. An increase in short-term on-street parking associated with the proposed store, would result in noise and disturbance causing unacceptable loss of amenity for nearby residents. The proposals are therefore considered to be contrary to Policy DP8 of the Warwick District Local Plan and the Parking Standards Supplementary Planning Document, causing harm to amenity contrary to Policy DP2 of the Warwick District Local Plan and Paragraph 58 of the National Planning Policy Framework;

(2) the entrance to the proposed store would open out directly onto the vehicular manoeuvring area for the car park. In the opinion of the District Planning Authority this is likely to result in pedestrians coming into conflict with

vehicles manoeuvring around the car park and therefore this arrangement is considered to be unacceptable on safety grounds. The proposals are therefore considered to be contrary to Policies DP1 and DP6 of the Warwick District Local Plan; and

(3) the proposal was contrary to local plan policy UAP3 having regard to its impact on the viability and vitality of the Old Town area.

109. W12/1065 – LAKE VIEW COTTAGE, 15 CASTLE HILL, KENILWORTH

The Committee considered an application from Mr Gary Delaney & Ms Helen Walthorne for retention of an existing summer house.

The application was presented to the Committee at the request of Councillor Coker and in order to request that enforcement action be taken.

The case officer considered the following policies to be relevant:

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

An addendum circulated at the meeting advised the Committee of two further comments in support of the application and a letter which talked about the enhancement of views, the summer house being less prominent than the adjacent building and its visibility from the surrounding area.

The applicant Mr Delaney spoke in support of his application, stating that he and Ms Walthorne had acted in good faith through consultation with the Council dating back to before the summer house was installed. He outlined details of their communication with the Council and went on to talk about the need to replace what had occupied the land previously, a structure which had been in a dilapidated state. Mr Delaney and Ms Walthorne had been sent a self assessment form by the Council and then chose a summer house which they believed would meet planning regulations. Mr Delaney pointed out that English Heritage were content for the summer house to stay. He felt that it was a vast improvement on what had been on site previously and said that it would not be visible once the hedge grew back to its usual height of seven feet.

Councillor Shilton spoke in support of the application, confirming that the applicants had consulted the Council as outlined by Mr Delaney. He also questioned the report's description of the summer house as a "starkly modern structure". Councillor Shilton felt that the summer house was far more in keeping than the conservatory attached to the house. He pointed out that the summer house was constructed using predominantly traditional

materials, was painted "heritage green", was not visible from Kenilworth Castle and would not be visible at all once the adjacent hedge, which had been cut down to four feet without Mr Delaney's permission, was re-established. The Kenilworth Society, Friends of Abbey Fields, Kenilworth Town Council and CAF had all expressed no objection to the summer house. Public support had also been given.

Councillor Mrs Blacklock addressed the Committee, explaining some of the background to the application and her concerns over whether it would set a precedent. She reminded the Committee that the summer house was currently visible from Abbey Fields and that this was a retrospective application. She stated that other residents in the area had made applications for similar structures, the details of which had been ironed out prior to development and resulted in buildings which all parties were happy with. Councillor Mrs Blacklock agreed that the summer house was attractive in its own right, but questioned its location and context, asking the Committee to consider whether it was too visible from the Scheduled Ancient Monument, whether it was subservient enough to the Listed Building behind it and whether the development could be justified if it existed purely for leisure purposes.

After making her statement, Councillor Mrs Blacklock withdrew from the room and, as a matter of courtesy, Councillor Shilton also withdrew from the room because he had addressed the committee as a Ward Councillor.

It was the case officer's opinion that while the summer house would have a relatively minor impact upon the archaeological remains of the Scheduled Monument and would not adversely impact on the living conditions of nearby dwellings, its location would have a significant impact on the setting of the Listed Building, adversely affecting its special architectural interest by reason of its scale, design, colour and height, and would have a dominant visual impact. It was not considered that the personal benefits resulting from the retention of the building would outweigh the harm caused and it would therefore be contrary to the provisions of Local Plan Policy DAP4. The summer house would not respect the important views both in and out of the Conservation Area and would not maintain the quality of the environment, particularly in this historic location, therefore not complying with Local Plan Policy DAP8 and DP1.

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 officer's recommendation in the report, with conditions requiring that any change of colour must first be approved by the local planning authority and that the building be maintained in a good state of repair due to its location.

RESOLVED that item W12/1065 be GRANTED contrary to the recommendation in the report, subject to the following conditions:

(1) any proposed change of colour to the summer house must first be approved by the local planning authority; and

(2) the summer house must be maintained in a reasonable condition due to its location.

110. **W12/0888 – 21 ADELAIDE ROAD, LEAMINGTON SPA**

The Committee considered an application from Mr Bond for the construction of a side facing dormer window and two roof lights.

The application was presented to the Committee because an objection had been received from Royal Leamington Spa 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)
DP3 - Natural and Historic Environment and Landscape (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)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the case officer's opinion that the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. Furthermore, the proposal would not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that item W12/0888 be GRANTED subject to the following conditions:

(1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawings 1082/2 and 1082/3, submitted on 19 July 2012 and the mitigation measures set out in the updated bat survey report, submitted on 24 September 2012. **REASON:** For the avoidance of doubt

and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) the rooflights hereby permitted shall be of a Conservation Area style and design. **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 1996-201; and

(4) prior to the occupation of the loft space created by the dormer window, the window serving the staircase in the side elevation of the dormer window 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 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.

111. **W12/1022 – PLESTOWES HOUSE, HAREWAY LANE, BARFORD, WARWICK**

This item was withdrawn from the agenda at the request of the applicant.

112. **W12/1079 – HILL BARN FARM, IRELANDS LANE, LAPWORTH, SOLIHULL**

This item was withdrawn from the agenda because the application was invalid.

113. **ENF181/18/12 – POST OFFICE COTTAGE, HATTON GREEN, WARWICK**

The Committee considered a report in respect of unauthorised works within the curtilage of a Grade II Listed Building.

The report was brought before the Committee to request that enforcement action be authorised.

An addendum circulated at the meeting informed the Committee that the owner of the property had requested that a decision on the report be deferred in order to allow the applicant to make further representations.

RESOLVED that a decision on ENF181/18/12 be DEFERRED in order to allow further representations to be made.

114. ENF407/40/12 – 36 SMITH STREET, WARWICK

The Committee considered a report in respect of unauthorised alterations to the frontage of a Grade II Listed Building.

The report was brought before the Committee to request that enforcement action be authorised.

The case officer considered the following policies to be relevant:

DP1: Layout and Design
DAP4: Protection of Listed Buildings
DAP8: Protection of Conservation Areas
Design Advice on Shopfronts and Advertisements in Warwick
National Planning Policy Framework

Unauthorised development had been identified on the front elevation of this Grade II Listed Building comprising the installation of 2 fascia advertisements, a hanging sign and window graphics on each of the 2 main shop windows. Listed Building consent was refused under delegated powers on 28 September 2012 because of the impact of the features in question on the character and appearance of the Listed Building and the Warwick Conservation Area by reason of the extent of lettering, proliferation of logos and the use of non traditional materials on the fascia and hanging signs contrary to the above listed policies and guidance. The Listed Building was prominently located within Warwick Town Centre and the Conservation Area where there was a concentration of Listed Buildings. The unauthorised signage and window graphics, by reason of their design, positioning, non-traditional "shiny" appearance and the proliferation of logos, resulted in harmful visual clutter which detracted from the simple character of the Listed Building and the wider character of this part of the Conservation Area.

Following the recent decision to refuse to grant Listed Building consent for the features in question, in view of their continuing presence at the site, it was considered that the service of a Listed Building Enforcement Notice was required in order to remedy this situation.

Several members of the Committee felt that the building would be attractive if there were a smaller number of logos. They agreed that the writing on the fascia sign was appropriate and did not need to be changed.

Following consideration of the report and presentation, the Committee was of the opinion that enforcement action should be authorised, directed at the removal of two of the unauthorised cloud logos on the fascia sign, and the cloud logo on the front window of the property, with a compliance period of one month.

RESOLVED that ENF407/40/12 be AUTHORISED directed at the removal of two of the unauthorised cloud logos on the fascia sign, and the cloud logo on

the front window of the property, with a compliance period of one month.

115. **ENF415/46/09 – THE BYRE, GREAT PINLEY BARNS, NUNHOLD ROAD, SHREWLEY, WARWICK**

The Committee accepted a request from officers that the item be withdrawn from the agenda following further discussion with the property owner.

(The meeting ended at 8.02 pm)