PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 22 February 2011 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Illingworth (Chairman); Councillors Mrs Blacklock, Mrs Bunker, Copping, Crowther, Ms Dean, Kinson (substituting for Mrs Higgins) and Rhead.

Apologies for absence were received from Councillors Dhillon, Mrs Higgins and Kirton.

175. **DECLARATIONS OF INTEREST**

Minute Number 177 – W10/1221 – Land at junction, Hampton Road and Henley Road (A4189), Hampton on the Hill, Warwick
Councillor Rhead declared a personal interest because the application was in his ward.

Minute Number 178 – W10/1250 – North Leamington School, Park Road, Leamington Spa
Councillor Copping declared a prejudicial interest because the application was in his ward and he was speaking against the item on behalf of local residents. After presenting residents views, Councillor Copping left the meeting for the duration of the item, and did not take part in the debate or decision.

Minute Number 179 – W10/1249 – Former North Leamington School, Cloister Way, Leamington Spa
Councillor Copping declared a personal interest because the site had been his chosen charity while he had been mayor and a friend lived there.

Minute Number 180 – W10/1545 – 1 Avenue Road, Kenilworth
Councillor Blacklock declared a personal interest because some objectors had consulted her with respect to the application.

Minute Number 182 – W10/1521 – Shell Petrol Filling Station, 183 Warwick Road, Kenilworth
Councillor Blacklock declared a personal interest because she knew some residents affected by the application, and Councillor Bunker declared a personal interest because she had used the filling station on a number of occasions.

Minute Number 184 – W10/1655 – 53 Cherry Street, Coten End, Warwick
The Committee as a whole declared personal interests because the applicant was a close relation of a Council employee.

Minute Number 186 – ENF 215/24/10 – Land adjacent to 71 Lillington Road, Leamington Spa
Councillor Copping declared a personal interest because the applicant used to be a personal colleague during the 1980s and early 1990s.

176. **MINUTES**

The minutes of the meeting held on 2 February 2011 were approved, subject to a minor amendment to minute 159: the declaration of interest relating to item 168 should read "in **their** wards".

177. **W10/1221 – LAND AT JUNCTION, HAMPTON ROAD AND HENLEY ROAD (A4189), HAMPTON ON THE HILL, WARWICK**

The Committee considered an application from Mr Maloney for the proposed conversion of a barn into a dwelling with access to Henley Road.

The application was presented to the Committee at the request of Councillor Mrs Sawdon.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
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)
Planning Policy Guidance 2 : Green Belts
Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the case officer's opinion that the setting and appearance of the building following conversion would not enhance the character and appearance of the countryside, as it would introduce a permanent domestic structure of poor character and design to a visually prominent location, which would have a much taller roof and therefore greater visual impact than the existing building. The proposal failed to comply with Policy RAP7 and PPG2 and was an inappropriate development in the Green Belt. It also failed to comply with Policy RAP1 because the site was not within or adjacent to a village or intended for an identified local need. A sustainability statement had been submitted which set out the intention to provide 10% of the energy needs of the dwelling from renewables. However, full details and the specification for a chosen technology had not been supplied and therefore the application failed to comply with policy DP13 and the Sustainable Buildings SPD. There were concerns that the number of vehicle movements and size of vehicles may be greater than that anticipated, this being the same applicant who applied for the gypsy site in 2009. The Inspector who had previously looked at the site had concluded that the increase in the number of vehicle movements for a residential caravan site use could be considerable and that the location of the access, although meeting visibility requirements, was not a matter that

could be resolved by a condition. It would have been unreasonable to require the relocation of the access by a condition, since no alternative position had been identified and no modifications to the access open to the applicant would resolve its deficiencies. This therefore remained a significant objection to the use and the proposal was considered not to comply with the policies listed.

Mr T Sandhu addressed the Committee in support of the application and Ward Councillor Mrs Sawdon objected to it.

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

RESOLVED that W10/1221 be REFUSED, subject to the reasons listed below:

PPG2: Green Belts sets out the criteria whereby the re-use of buildings is not inappropriate development and Policy RAP7 of the Warwick District Local Plan (1996-2011) repeats a number of these criteria. Policy RAP7 requires the proposed use to be accommodated without extensive rebuilding or alteration to the external appearance of the building, and for the appearance and setting of the building following conversion to protect and where possible, enhance the character and appearance of the countryside. Buildings for conversion should also be of permanent and substantial construction, and their condition, nature and situation should make them suitable for re-use or adaptation.

(1) the existing building is not considered to be of substantial construction and its condition and nature makes it unsuitable for re-use. It is also considered that the proposed development would be detrimental to the character and appearance of the rural area by reason of the extensive alteration that would be required to the building including new walls and a new raised roof. The proposed conversion would introduce a building of domestic character and poor design in a visually prominent location that would significantly reduce openness. The development is thereby considered to be contrary to Policy RAP7, and since the proposed conversion fails to comply with the requirements for conversions under PPG2, it constitutes inappropriate development for which no very special circumstances have been demonstrated;

(2) Policy RAP1 of the Warwick District Local Plan 1996-2011 permits residential development as part of the conversion or subdivision of appropriate rural buildings in accordance with

Policy RAP7, where the building is located within or adjacent to a village, it meets an identified local need, and outside of the Limited Growth Villages, where the applicant can demonstrate that other uses or a mixed use are not appropriate or viable. The applicant has not provided any evidence to suggest that other uses or a mixed use are not appropriate or viable, the proposal is not intended for an identified local need, and the building is not located within or adjacent to a village. The development is thereby considered to be contrary to the aforementioned policy;

(3) Policy DP6 of the Warwick District Local Plan 1996-2011 only permits development which provides safe access routes and expects development proposals to not cause harm to highway safety. The proposed access to the site is close to a hazardous junction and onto a busy road, where the topography of the land restricts views of the access from the west, and the proximity of the access to the junction may cause confusion about the destination of turning movements, where there is no street lighting. Combined with the increased number of vehicle movements to the site, the proposed access is considered unsatisfactory in that it would be likely to lead to harm to highway safety, and as such would fail to comply with Policy DP6; and

(4) Policy DP13 of the Warwick District Local Plan 1996-2011 requires developments to provide 10% of the predicted energy requirements to be produced on site or in the locality from renewable resources, while the Sustainable Buildings Supplementary Planning Document provides guidance on how to achieve this. The application outlines an intention to comply with the policy, but a specific technology has not been selected and no detailed scheme for implementation has been submitted. The proposal would therefore be contrary to the aforementioned policy.

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

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

The application was presented to the Committee because the application formed part of a major redevelopment of the former North Leamington

school site which was designated as a "Major Developed Site" within the Green Belt and local plan policy SSP2 indicated that employment was the preferred use of the site, which this application was not. Also, Leamington Town Council had raised an objection and the recommendation to grant this permission included reference to a Section 106 agreement.

An addendum to the report gave further information relating to the Social Housing element of the application, and detailed concerns received a further letter from a resident of Belmont Drive.

The case officer considered the following policies to be relevant:

SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP5 - Density (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)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
Affordable Housing (Supplementary Planning Document - January 2008)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Open Space (Supplementary Planning Document - June 2009)
Vehicle Parking Standards (Supplementary Planning Document)
Planning Policy Guidance 2 : Green Belts

It was the case officer's opinion that the applicant's case for the use of this site for housing was well founded and realistic. The details of the actual development proposed were considered to be sympathetic to the green belt and its setting and also in accordance with the general policy objective in PPS 3 "Housing" of creating sustainable, inclusive and mixed communities in all areas. Affordable housing, open space provision and sustainable building requirements were all in accordance with Council policy. It was considered that no other site specific impacts resulted in harm sufficient to warrant planning permission being withheld. The application was therefore considered to comply with the policies listed.

Mr P Bailey addressed the Committee, objecting to the application and Mr B Bassett spoke in support of the application. Ward Councillor Copping presented the views of a number of residents objecting to the application, prior to leaving the meeting for the duration of consideration of the item.

Following consideration of the report and presentation, information contained within the addendum and representations made, the Committee were of the opinion that the application should be granted in accordance with the recommendation, subject to the removal of permitted development rights for alterations and extensions from 3 properties in the South East corner of the site, adjacent to 10 Garway Close, which would form an additional condition.

RESOLVED that application W10/1250 be GRANTED subject to completion of a Section 106 agreement and an additional condition requiring the removal of permitted development rights for alterations and extensions to 3 properties in the South East corner of the site adjacent to 10 Garway Close and 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) subject to condition 3 below, the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 1320/09G, 1320/11A,12A,16,17,and 1320/20-48 inclusive and specification contained therein, submitted on September 22nd 2010 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) notwithstanding the landscaping details shown on drawing 1320/09G, a landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted**. REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

(4) no development shall take place until details of all external facing materials have been submitted to and approved by the District Planning Authority. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of

the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

(5) prior to commencement of the development on the site, excluding the associated demolition works, the developer is required to carry out the junction improvement works in general accordance with the details as shown on received plan no. 202-3. **REASON:** In the interests of highway safety and to meet the requirements of policy DP6 of the Warwick District Local Plan 1996-2011;

(6) prior to first occupation , the applicant / developer is required to provide each dwelling with sustainable welcome packs to help promote sustainable travel in the local area. The contents of the sustainable travel packs shall first be agreed in writing with the Local Planning Authority following consultation with the Highway Authority. **REASON:** In the interests of highway safety and to meet the requirements of policy DP6 of the Warwick District Local Plan 1996-2011;

(7) before the development hereby permitted is begun, the further written approval of the District Planning Authority shall be obtained for details of the design and construction of the estate roads and footways serving the development. These details shall include large scale plans and cross and longitudinal sections, showing design, layout, construction of the estate together with surface water drainage to outfall. **REASON:** To ensure compliance with the Council's standards, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(8) 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 site, or in the locality, 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. **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;

(9) details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

(10) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan for the proposed open space areas within the site has been submitted to and approved in writing by the District Planning Authority. The plan should also include details of habitat creation measures including creation and management of bat roosting opportunities (e.g. setting up bat boxes), nesting bird opportunities (e.g. setting up bird boxes), creating areas of wild flower grasslands (including the protection of the existing rare plant species on site), as well as details of managing the whole site for wildlife. It should also include details of enhancement of existing habitat – in particular supplementary planting of suitable buffer zones with appropriate native species. Details of species used and sourcing of plants should be included. The plan should also include details of long-term monitoring of the site, including further species-specific monitoring surveys such as an additional bat survey 1 year after completion of works. Such approved measures shall thereafter be implemented in full and the open space areas shall be retained as such at all times thereafter. **REASON:** To ensure a net biodiversity gain in accordance with PPS9 and Warwick DC Policy DP3;

(11) No work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no

changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

(12) no dwelling shall be occupied until the estate road including footways serving it has been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **REASON:** In the interests of highway safety and to meet the requirements of policy DP6 of the Warwick District Local Plan 1996-2011;

(13) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON:** In the interests of fire safety; and

(14) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the buildings to be demolished. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England and WCC Ecology Unit are consulted for further advice. In addition to this the qualified bat worker shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To ensure that protected species are not harmed by the development and to meet the requirements of policy DP3 of the Warwick District Local Plan 1996-2011.

179. **W10/1249 – FORMER NORTH LEAMINGTON SCHOOL, CLOISTER WAY, ROYAL LEAMINGTON SPA**

The Committee considered an application from Royal Midland Counties Home For Disabled for the development of a new 78 bed residential Nursing Home providing a Specialised Care Centre for people with Neurological Disability. The development comprises bedrooms with a mixture of long stay, short stay and respite rooms. Support accommodation for residents

and staff is provided along with facilities to provide, hydrotherapy, physiotherapy and occupational therapy to residents.

The application was presented to the Committee because it formed part of a major redevelopment of the former North Leamington school site which was a Major Developed Site within the Green Belt, and local plan policy SSP2 indicated that employment use was the preferred use of the site, which this application was not. An objection had also been raised by Leamington Town Council.

An addendum submitted to the Committee detailed amendments which needed to be made to condition 2 and confirmed that the scheme met Building Regulations requirements for fire safety.

The case officer considered the following policies to be relevant:

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
SSP2 - Major Developed Sites (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)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Planning Policy Guidance 2: Green Belts

It was the case officer's opinion that, in land use terms, the proposed residential institutional use was considered to be in keeping with the established character of the area and was an acceptable alternative to the employment use suggested for the site in the Major Developed Site policy in the Local Plan. In terms of physical impact, the new care home would be a substantial building of contemporary design which would be viewed across the green belt and from the established residential area to the east. Compared to the existing school buildings, it would be lower in height, achieve a reduction in overall mass and bulk when viewed on the skyline from Kenilworth Road and be less dominating on the houses to the east as a result of the orientation and positioning of the new building. The design incorporated a number of measures which mitigated the impact on the houses to the east, by using ancillary rooms at first floor level with high level windows only on the part of the building which was closest to them. Traffic impact was likely to be less in terms of overall volumes and movements than previously, with disturbance from general activity and traffic to local residents likely to be lower than with the operation of the lower school. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that the application should be granted in accordance with the recommendation, with the addition of "and details of a

surface water drainage design based on sustainable principles" to condition 6 to address concerns expressed by the Environment Agency. The Committee also requested that officers continue discussions with the applicant with the aim of maximising energy efficiency.

RESOLVED that W10/1249 be GRANTED, subject to the conditions listed below:

(1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 1001/A/EX/01 and 09/REVA; 1001/A/PL/ G/01F, 02A and 03B; 1001/A/PL/00/01C, 00/02B, 00/03, 01/01B, 01/02C, 01/03, 02/01B, 02/02B, 02/03, 03/03 and 04/01A; 1001/A/PL/ELE/01B,02B, 03B, 04C, 05A and 06; 1001/A/PL/93/01A; 1001/A/PL/SEC/01, 02, 03, 04, 05, 06 and 07; RSK/H/P41329/03/02/01 and 02/0 and specification contained therein, submitted on 23rd September 2010 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) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

(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 site, or in the locality, 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. **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) a landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

(6) details of the means of disposal of storm water and foul sewage from the development, based on sustainable principles shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policies DP9 and DP11 of the Warwick District Local Plan 1996-2011;

(7) the development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the District Planning Authority. The plan should also include details of habitat creation measures including creation and management of bat roosting opportunities (e.g. setting up bat boxes), nesting bird opportunities (e.g. setting up bird boxes), creating areas of wild flower grasslands (including the protection of the existing rare plant species on site), as well as details of managing the whole site for wildlife. It should also include details of enhancement of existing habitat – in particular supplementary planting of suitable buffer zones with appropriate native species. Details of species used and sourcing of plants should be included. The plan should also include details of long-term monitoring of the site, including further species-specific monitoring surveys such as an additional bat survey 1 year after completion of works. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with PPS9 and Warwick DC Policy DP3;

(8) no work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

(9) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON:** In the interests of fire safety;

(10) a Travel Plan comprising the following details shall be submitted to and approved in writing by the District Planning Authority, in consultation with the Highway Authority, within 3 months of the date of the first occupation of the development hereby approved and should include the following:-
(i) a target for the proportion of employees who will travel by means other than single car occupancy;
(ii) a strategy for achieving the target(s);
(iii) a management programme;
(iv) a process for monitoring the process towards achieving the target(s); and
(v) measures should targets not be achieved.
Thereafter the use of the site shall operate in strict accordance with the approved Travel Plan, unless otherwise agreed in writing by the District Planning Authority, in consultation with the Highway Authority.
REASON: To satisfy the aims of PPG13 : Transport in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site and in accordance with Policy DP7 of the Warwick District Local Plan 1996-2011;

(11) the cycle provision shown on the approved plans shall be completed before the care home is occupied and thereafter shall be kept free of obstruction and be available at all times for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON:** To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

(12) the car parking for staff and visitors hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan and shall thereafter be kept available at all times for the parking of vehicles visiting this site. **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;

(13) the premises shall be used for purposes within Class C2 of the Town and Country Planning (Use Classes) Order 2005, (or in any provision

equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). **REASON:** To clarify the terms of the permission hereby granted. for the avoidance of doubt; and

(14) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the buildings to be demolished. All roofing material is to be removed carefully by hand. Should bats be found during this operation, then work must cease immediately while Natural England and WCC Ecology Unit are consulted for further advice. In addition to this the qualified bat worker shall submit a brief report to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **REASON:** To ensure that protected species are not harmed by the development and to meet the requirements of policy DP3 of the Warwick District Local Plan.

180. **W10/1545 – 1 AVENUE ROAD, KENILWORTH**

The Committee considered a retrospective application from Mr & Mrs Stokes for replacement of a rear conservatory/dining room roof with pitched roof.

The application was presented to the Committee at the request of Councillor Mrs Blacklock.

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

It was the case officer's opinion that the replacement of a uPVC conservatory with an extension using a slate roof, powder coated aluminium and bricks to match the existing brick work as the main building materials and finishes to be used, was wholly acceptable and maintained the quality of environment within the Conservation Area. The application was therefore considered to comply with the policies listed.

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

RESOLVED that application W10/1545 be GRANTED subject to the following condition:

(1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 3517A/02, 3517A/04, and specification contained therein, submitted on 3rd December, 2010 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.

181. **W10/1664 – GARAGE r/o 6 BERTIE TERRACE, GULLISTAN ROAD, LEAMINGTON SPA**

The Committee considered an application from Mrs P Johnson for the removal of a roof and top section of walls of a single storey part of an existing building and conversion of the remaining two storey building into a dwelling; installation of new windows and doors; installation of solar panels and rooflights; and retention of existing walls to create a front courtyard incorporating existing garage doors and a proposed pedestrian gate.

The application was presented to the Committee because it was recommended that planning permission be granted subject to the completion of a legal agreement.

An addendum presented to the Committee advised that amended plans had been submitted and a consultation response received from Cultural Services.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (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)
Open Space (Supplementary Planning Document - June 2009)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Distance Separation (Supplementary Planning Guidance)

The case officer was of the opinion that a conversion to residential use would be acceptable in principle, in accordance with Local Plan Policy UAP1, and that the proposals would not harm the living conditions of neighbouring

dwellings. The proposals as amended would preserve the character and appearance of the Conservation Area, secure the future of this historic building and the proposed physical alterations would preserve the character of the building. The proposed dwelling would be provided with a single parking space, in accordance with the Council's Parking Standards. Assessed under the Council's current policies and guidance, the proposals would provide a satisfactory living environment for future occupants.

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

RESOLVED that application W10/1664 be GRANTED subject to completion of a Section 106 agreement to secure a contribution towards the provision or enhancement of public open space and the conditions listed below:

(1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) L01C, and specification contained therein, submitted on 4 February 2011, unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), rainwater goods and the top of the courtyard wall at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** For the avoidance of doubt, and to ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

(4) the roofing material for the development shall be natural slate. **REASON:** To ensure an

appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

(5) all window frames and all doors shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

(6) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(7) the proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The parking area shall be kept free of obstruction and be available for those purposes at all times thereafter. **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; and

(8) prior to the occupation of the development hereby permitted, the first floor windows in the north facing elevation and the rooflights in the south facing roofslope shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON:** To protect the privacy of users and occupiers of nearby properties and 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.

182. **W10/1521 – SHELL PETROL FILLING STATION, 173 WARWICK ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from Shell UK Oil Products Limited for removal of Condition 10 to allow 24 hour trading for the Shell petrol filling station.

The application was presented to the Committee because a petition of 1,183 people in support of the application had been received and the application was recommended for refusal.

The case officer considered the following policies to be relevant:

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that a 24 hour operation in such close proximity to residential dwellings would have a serious impact on the amenity of surrounding residents, which would far outweigh the potential benefits to the wider community. The benefit of granting the application would be to allow a few members of the community access to local petrol and food at the early hours of the morning. While a petition had been submitted, less than half of the petitioners were from Kenilworth and formal public consultation had returned only one respondent in favour. It would be anticipated that the response would have been higher had there been strong local demand. By contrast, 31 residents had raised objections. When the garage previously opened on a 24 hour basis it acted as a magnet for people to congregate, as it was the only place open to purchase food in Kenilworth after midnight. Objection letters stated that people visiting the garage late at night had led to increased noise at unsociable hours and some antisocial behaviour, thus impacting on the objectors' quality of life and enjoyment of their homes. The case officer believed that the strength of objection from the consultation process was sufficient grounds for refusal under Policy DP2 of the Warwick District Local Plan. While the applicant had also requested a temporary removal of the condition to allow a trial period of six months, the case officer was of the opinion that temporary removal of the condition would again impact on the amenity of local residents, contrary to Policy DP2 of the Warwick District Local Plan.

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

RESOLVED that application W10/1521 be REFUSED for the reason listed below:

(1) Policy DP2 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

The removal of the existing condition would lead to increased usage of the garage at unsociable hours of the day. The associated noise would negatively impact the amenity of the adjacent dwellings and would affect the quality of life of these residents.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policy.

183. **W10/1464 – NATIONAL AGRICULTURAL CENTRE, PLOT 25, STONELEIGH PARK, KENILWORTH**

The Committee considered an application from the Royal Agricultural Society For England for alterations and extension to an existing office building to provide a mix of B1 and B8 floor space, and resurfacing to provide a car park and service yard.

The application was presented to the Committee because an objection had been made by Ashow, Burton Green and Stoneleigh Joint Parish Council.

The application had been deferred at the previous meeting for additional comment and clarification from the Highway Authority (Warwickshire County Council). The Committee noted the comments of the Highway Authority and were reassured that no further applications for this site would be considered unless suitable traffic arrangements were proposed.

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)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)
SSP3 - Stoneleigh Park (Warwick District Local Plan 1996 - 2011)
Planning Policy Guidance 2 : Green Belts
SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the proposed extension would have no greater impact on the purposes of including land in the Green Belt than the existing development, would not exceed the height of existing buildings and would not lead to a major increase in the developed proportion of the site. The user's business fell within an appropriate use as it was closely related to agriculture and would allow a leading company to relocate their present UK headquarters to Stoneleigh Park. All necessary infrastructure existed on the site to service the existing building. Proposed protection measures for trees on the site were acceptable. The applicant had ruled out solar

thermal renewable energy on the grounds that the demand for hot water will be very small. However, solar photovoltaics and air source heat pumps were considered appropriate and a condition was therefore recommended requiring a 'renewables' scheme to be submitted.

Following consideration of the report, presentation and the additional information from the Highway Authority, the Committee were of the opinion that the application should be granted in accordance with the recommendation. The Chairman agreed to write to the Highway Authority to thank them for their assurance that no further development would be acceptable on highway terms until either a full Transport Assessment for 10,000 square metres of development was provided or the full infrastructures as agreed in the 2004 application were implemented.

RESOLVED that application W10/1464 be GRANTED subject to the following conditions:

(1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (0305; 0306; 0307; Tree Plan; Tree Retention and Protection Plan), and specification contained therein, submitted on 4 November 2010 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 a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, 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. 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) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. REASON: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

(5) no work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected in accordance with the details provided within the Tree Protection Method Statement and drawing "Tree Retention and Protection Plan" submitted on 4 November 2010. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. REASON: To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

(6) prior to the commencement of the development hereby permitted, details of the construction of all hard surfaces, including cross-sections and existing and proposed finished levels shall have been submitted to and approved by the District Planning Authority. The surfaces shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. REASON: To ensure that adequate parking facilities are available and to protect and enhance the amenities of the area, in accordance with the requirements of Policies DP1, DP3 and DP8 of the Warwick District Local Plan 1996-2011; and

(7) the business of the occupants of the development hereby approved shall be related to agriculture and other uses associated with livestock, food production, equine activities or

other rural pursuits, unless otherwise agreed in advance (in writing) by the District Planning Authority. REASON: To ensure that the development is in conformity with Policy SSP3 of the Warwick District Local Plan 1996-2011, in accordance with the status of the Park as a major developed site in the green belt.

184. **W10/1655 – 53 CHERRY STREET, COTEN END, WARWICK**

The Committee considered an application from Mr J Rostron for the erection of a first floor rear extension to a two storey terraced house over an existing single storey to provide a first floor bathroom and associated alterations internally.

The application was presented to the Committee because the applicant's wife was an employee of Warwick District Council.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the case officer's opinion that the proposed works in the application would positively contribute to the character of the area and comply with Policy DP1 of the Warwick District Local Plan. The impact to the amenity of neighbouring dwellings would be minimal, and would not contravene Policy DP2 of the Local Plan. The scale of the extensions proposed in the application would create a low level of additional energy consumption for the applicant property. At this level of energy consumption it would not be feasible to ask the applicant to meet the 10% renewable energy requirement detailed under Policy DP13 of the Local Plan. The application was therefore considered to comply with the policies listed.

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

RESOLVED that W10/1655 be GRANTED, subject to the conditions listed below:

(1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON**: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 112/1, and

specification contained therein, submitted on 22nd December 2010 unless first agreed otherwise in writing by the District Planning Authority. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

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

185. **W11/0015 – 34 RUSSELL TERRACE, LEAMINGTON SPA**

The Committee considered an application from Mrs A Blakeman for construction of front lightwells.

The application was presented to the Committee because an objection had been received from 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)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

It was the case officer's opinion that the proposals would preserve the character and appearance of the Conservation Area. Elsewhere in Russell Terrace there were existing lightwells of a similar size to those proposed. The lightwells would be protected by horizontal grilles which would limit the visual impact of the proposals. Amended plans had been submitted which satisfactorily addressed detailed design matters raised by the Council's Conservation Architect. The application was therefore considered to comply with the policies listed.

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

RESOLVED that W11/0015 be GRANTED, subject to the conditions listed below:

(1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON:** To comply with Section 91 of the

Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 10/18-03, 10/18-04A & 10/18/05A, and specification contained therein, submitted on 5 January 2011 & 8 February 2011, unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

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

(4) all window frames shall be constructed in timber and shall be painted and not stained. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011; and

(5) the basement accommodation shall not be occupied as a separate flat and shall only be occupied for purposes ancillary to the existing dwellinghouse at 34 Russell Terrace. **REASON:** For the avoidance of doubt, since there is insufficient parking for a separate dwelling, and to help satisfy the objectives of Policies DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011.

186. **ENF 215/24/10 – LAND ADJACENT TO 71 LILLINGTON ROAD, LEAMINGTON SPA**

The Committee considered a report requesting enforcement action to be taken against Mr and Mrs D Cowan for the unauthorised change of use from garage/ancillary accommodation to an independent dwelling unit.

In June, 2010, it was brought to the attention of the Enforcement Section that the garage annexe had been converted internally and now consisted of two bedrooms, kitchen/diner and garage and was rented out as an independent dwelling unit known as 'The Gatehouse'.

Contact was made with the owners, who were advised that the use was a breach of planning control and that a retrospective planning application would not be supported by the planning department.

The owner had intimated that it was his intention to submit an application for a Certificate of Lawful Use with supporting evidence to show the breach of planning control had existed for a period in excess of 4 years and was therefore immune from enforcement action. However, no such application had been submitted.

An addendum to the report made the Committee aware of points raised by the applicant in a letter dated 21 February.

The case officer considered the following policies to be relevant to the matter:

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)

The case officer was of the opinion that appropriate enforcement action should be authorised as it was clear from the Conditions and reasons set out in the original permission that it was considered essential on amenity grounds that the garage annexe should not be used as an independent dwelling. The site was of limited size with restricted parking and the present use as a separate dwelling had an adverse impact on the amenity of the area in general and in particular the amenity of the adjacent residential properties. The storeroom at the property had been converted to a kitchen/diner, contrary to the approved plan. The property had been rented out since June 2010 under a twelve month tenancy agreement to a tenant not related to the owners. The service of an enforcement notice would prevent the use from becoming lawful and immune from action.

Following consideration of the officer's report and presentation the Committee were of the opinion that appropriate enforcement action should be authorised.

RESOLVED that enforcement action relating to application ENF 215/24/10 be AUTHORISED to ensure that the use of the annex as an independent dwelling ceases and the kitchen diner is reverted to a storeroom within a compliance period of three months.

(The meeting ended at 10.00 pm)