PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 27 November 2012 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

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

131. **DECLARATIONS OF INTEREST**

Councillor Wilkinson arrived late at the meeting during discussion of this item.

Minute Number 134 – W12/0307 – Barford Grange, Westham Lane, Barford, Warwick

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

Minute Number 135 – W12/0950 – Appleby, Snitterfield Lane, Norton Lindsey, Warwick

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

Minute Number 136 – W12/1026 – Kingsway Community Centre, Edinburgh Crescent, Royal Leamington Spa

Councillors Mrs Blacklock, Mrs Bromley, Ms De-Lara-Bond, Illingworth, MacKay, Mobbs, Rhead, Weed, Wilkinson and Williams declared personal interests because the applicant was Warwick District Council.

Councillor Wilkinson declared a personal and pre-determined interest because he was speaking on the item as a Ward Councillor. He left the room after speaking on the item and did not participate in the discussion or voting on the application.

Minute Number 139 – W12/1231 – Kenilworth School & Sports College, Leyes Lane, Kenilworth

Councillor Mobbs declared a personal and pre-determined interest because he was speaking on the item as a Ward Councillor. He left the room after speaking on the item and did not participate in the discussion or voting on the application.

Councillor Illingworth declared an interest due to predetermination because he was a member of the Reserve Forces and Cadets Association. He left the room and did not participate in the discussion or voting on the application.

Minute Number 141 – W12/1255 – Talisman Square, Warwick Road, Kenilworth

Councillor Mrs Blacklock declared that she was a Ward Councillor for the site in question and that she knew the public speaker.

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

Councillor Mobbs notified the Committee that although his business premises had moved to Talisman Square, the application did not affect him.

Minute Number 145 – W12/1281 – 17 Greville Road, Kenilworth

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

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

Minute Number 146 – W12/0988 – Rear of 16 High Street, Monmouth Close, Kenilworth

Councillor Mrs Blacklock declared a personal interest because the property was close to where she lived and she knew its owner.

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

Minute Number 148 – W12/1198 – Castle Farm Recreation Ground, Fishponds Road, Kenilworth

Councillors Mrs Blacklock, Mrs Bromley, Ms De-Lara-Bond, Illingworth, MacKay, Mobbs, Rhead, Weed, Wilkinson and Williams declared personal interests because the applicant was Waterloo Housing Association.

In addition, Councillor Mrs Blacklock declared that she was a Ward Councillor for the site in question.

Minute Number 149 – ENF 414/40/12 – Old Barn, Longbridge, Barford Road, Warwick

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

132. **SITE VISITS**

To assist with decision making, Councillors Mrs Blacklock, Mrs Bromley, Ms De Lara Bond, Illingworth, MacKay, Weed, Wilkinson and Williams had visited the following application sites on Saturday 24 November 2012:

W12/0950 – Appleby, Snitterfield Lane, Norton Lindsey, Warwick
W12/0988 – Rear of 16 High Street, Monmouth Close, Kenilworth

W12/1026 – Kingsway Community Centre, Edinburgh Crescent, Royal Leamington Spa
W12/1186 – Fernwood Farm, Rouncil Lane, Beausale, Warwick
W12/1231 – Kenilworth School & Sports College, Leyes Lane, Kenilworth
W12/1281 – 17 Greville Road, Kenilworth

133. **MINUTES**

With respect to the Minutes of the meeting held on 5 September 2012, an amendment was made to the second paragraph on page 174. "Dean Street" was amended to "Deansway". Following agreement of this amendment, the minutes of the meetings held on 5 September, 25 September and 16 October 2012 were approved and signed by the Chairman as a correct record.

134. **W12/0307 – BARFORD GRANGE, WESTHAM LANE, BARFORD, WARWICK**

The Committee considered a retrospective application from Mrs Gill for the erection of a single storey dwelling.

This application was presented to the Committee in order to request that enforcement action be taken.

The case officer considered the following policies to be relevant:

Sustainable Buildings (Supplementary Planning Document - December 2008)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework
RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the applicant had not demonstrated any special circumstances that outweighed the conflict with local and national policy relating to the erection of a new dwelling within the open countryside.

An addendum was circulated at the meeting which informed the Committee of the Applicant's personal circumstances in support of the application. The Applicant informed the Committee that the building was ancillary to the main house and was not intended as a separate independent dwelling. The Applicant was willing to make any alterations imposed or be given a time limited permission.

Dr Gill addressed the Committee in support of the application. She explained the cultural reasons concerning her own circumstances, the personal circumstances surrounding her child's special needs and why it was important for her to live close to her parents. She also requested that if the Committee could not grant permission, then she be allowed to stay at the property until such time as she had managed to find suitable alternative accommodation.

Members sought legal advice from the Council's solicitor, on planning principles and the personal situation of Dr Gill. The Council's solicitor explained that the Committee had a duty to weigh up the harm to planning control against Dr Gill's personal circumstances. Members agreed that the personal situation did outweigh planning controls and were therefore minded to grant permission contrary to the recommendations in the report. A condition was set to limit development as personal to the applicant and to be removed following cessation of their use; also standard conditions concerning drainage and renewable energy were set. The Committee delegated authority to Planning Officers to determine conditions concerning open space.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee was of the opinion that the application should be granted contrary to the officer's recommendations.

RESOLVED that W12/0307 be GRANTED, contrary to the recommendation in the report due to the very special personal circumstances of the applicant which outweighed the harm caused to the open countryside, and subject to the following conditions:

(1) this permission shall enure solely for the benefit of Mrs Gurnam Gill only, and on the discontinuance of their use of the land for residential purposes, that use shall immediately cease and the building together with any hard standing upon which it stands shall within one month after that date be completely removed and the site restored to its former condition. **REASON:** The continued use of the site as a separate dwelling and the creation of an isolated home in the countryside would have an adverse impact on the character and appearance of the open countryside and result in an unsustainable pattern of development contrary to Policy RAP1 of the Warwick District Local Plan 1996-2011 and Paragraph 55 of the National Planning Policy Framework. However, considering the personal circumstances of the applicant and on the understanding that the site will be used in such a manner as it is closely associated with the use of Barford Grange, permission is hereby granted solely for the applicant's benefit;

(2) within 2 months of the date of this permission, the applicant shall submit to the District Planning Authority for approval a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources. Within 2 months of the approval of such scheme Warwick District Council Notice of Decision W12/0307 by the District Planning Authority, all the works within this scheme shall have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers' specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(3) within 2 months of the date of this permission, the applicant shall submit to the District Planning Authority for approval a scheme showing full details of foul water drainage to serve the development. Within 2 months of the approval of such scheme by the District Planning Authority, all the works within this scheme shall have been completed and thereafter the works shall be retained at all times. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011; and

(4) delegated authority is given to Planning Officers to set conditions requiring open space.

135. **W12/0950 – APPLEBY, SNITTERFIELD LANE, NORTON LINDSEY, WARWICK**

The Committee considered an application from Mr Dix for alterations and a two storey extension to the existing house.

This application was presented to the Committee because an objection had been received from Norton Lindsey Parish Council and was deferred from the Committee of 6 November 2012 in order to allow a site visit to be undertaken.

The case officer considered the following policies to be relevant:

National Planning Policy Framework
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)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
RAP2 - Extensions to Dwellings (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)
The 45 Degree Guideline (Supplementary Planning Guidance)
Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the case officer's opinion that the development respected surrounding buildings in terms of design and form; did not adversely affect the amenity of neighbouring residents; and was considered to enhance the character and appearance of the Conservation Area.

An addendum was circulated at the meeting which informed the Committee that a further objection had been received from Martyn Bramich Associates on behalf of a resident at Foldyard House.

Mr Quayle addressed the Committee in opposition to the application. He had addressed the Committee at the previous meeting when the application had been considered and had objected because the proposals would have had a disproportionate affect on amenity and he stated that the Parish Council were also concerned over the disproportionate affect and the bulk of the proposals. He was concerned that one of his windows overlooked the extension and that a Conservation Area was subject to creeping overdevelopment.

Mr Dix, the applicant addressed the Committee. He informed the Committee that he had complied with all requests made by Planning Officers and had answered the concerns previously raised by the parish council which had resulted in there no longer being any concerns raised by the parish council. Only one neighbour had objected mainly because his view was blocked, but this window did not have a view anyway.

A motion to refuse the application was proposed as the plans were considered overdevelopment of an already large building.

Members were mindful that whilst the addition to the existing building was large, but capturing views was not a material consideration. Additionally there was enough separation with the neighbouring property. The Development Manager, Gary Stephens, advised that Policy RAP2 dealt with harm to the openness and impact on the Green Belt. However, this site was in an urban context so openness was not such an issue. He advised Members not to take undue notice of the fact that the extension was

slightly over 30%. He affirmed that views in and out were a consideration in a Conservation Area but the Conservation Architect was in favour of the application. Members agreed that the application would not adversely affect the amenity of residents. The neighbours could see through the garden.

The motion to refuse the application was defeated.

Following the site visit on 24 November 2012, consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendations with an additional condition requiring details of the materials used to finish the extension.

RESOLVED that W12/0950 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 drawing DIX-2380-PA-100 REV D, and specification contained therein, submitted on 25/09/2012 . **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 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 contained within the Sustainable Buildings Statement and drawing number 11/20-02 submitted on 28 March 2012. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications and shall not be removed or altered in any way without the prior written approval of the local planning authority **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13

in the Warwick District Local Plan 1996-2011; and

(4) the development shall be carried out only in full accordance with details of the materials used to finish the extension which are to be submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011.

136. **W12/1026 – KINGSWAY COMMUNITY CENTRE, EDINBURGH CRESCENT, ROYAL LEAMINGTON SPA**

The Committee considered an application from Waterloo Housing Association for the demolition of the former Kingsway Community Centre and the erection of affordable housing comprising of two no. three-bedroomed houses, two no. two-bedroomed houses, and five no. two-bedroomed apartments and associated car parking. This was a re-submission of application W11/0942.

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

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)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
Distance Separation (Supplementary Planning Guidance)
Open Space (Supplementary Planning Document - June 2009)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

It was the case officer's opinion that the proposed development was of an acceptable standard of design which would harmonise with the design and appearance of its surroundings and did not result in an unacceptable

adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy.

An addendum was circulated at the meeting which informed the Committee that condition 2 had been amended to relate to the latest plan numbers and revisions which identify the area for solar panels.

Councillor Wilkinson addressed the Committee as a Ward Councillor in support of the application. He stated that although the loss of a community facility should never be taken lightly, this application was a choice between a social club and nine desperately needed houses. Social housing was the more pressing need. Warwick District Council had "bent over backwards" to meet residents, but the offer of a community facility had not been taken. Councillor Wilkinson then left the room for the remainder of discussions on this application, having previously declared a predetermined interest.

Members were aware that the Centre had not been active for a long time and felt that it was not reasonable if people were suddenly to object to the Centre's loss. The Case Officer confirmed that the offer to provide space on the ground floor of the apartment block for community use had not been taken up by the residents.

Following the site visit on 24 November 2012, consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendations.

RESOLVED that W12/1026 be GRANTED, subject to the following conditions:

(1) the development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing numbers 9091.02 Rev C; 9091.03 Rev F; 9091.04 Rev G and 9091.05 Rev D, and specification contained therein, submitted on 29 October 2012 and 20 November 2012. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(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 construction 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) no development shall commence on site until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details before the development is first brought into use. **REASON:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policies DP9 and DP11 in the Warwick District Local Plan 1996-2012;

(5) prior to the commencement of the development hereby permitted, a soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

(6) the dwellings hereby permitted shall not be occupied unless and until:
(a) a scheme and appropriate details have been submitted and approved in writing by the local planning authority to provide for the provision of and/or improvement of and/or maintenance of public open space within the catchment area of the site, in accordance with Policy SC13 of the Warwick District Local Plan 1996 - 2011;
(b) a scheme and appropriate details have

been submitted and approved in writing by the local planning authority to provide for the provision of and or improvement of and/or maintenance of libraries within the catchment area of the site in accordance with Policy SC14 of the Warwick District Local Plan 1996-2011; and

(c) the facilities approved under (a and b) have been implemented in accordance with the approved details, unless otherwise agreed in writing by the District Planning Authority. **REASON:** To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 and Policy SC14 of the Warwick District Local Plan 1996 – 2011;

(7) the development hereby permitted shall not be first occupied unless and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers' specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(8) the development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times unless otherwise agreed in writing by the local planning authority. **REASON**: To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011; and

(9) the hard surfaces hereby permitted shall be constructed in porous materials and shall be managed and maintained as thereafter. **REASON:** To ensure that a satisfactory means of drainage is provided such as to minimise

flooding and which Promotes and maintains the good stewardship of the natural and built environment in accordance with Policies DP11 & DP3 of the Warwick District Local Plan 1996-2011.

Councillor Wilkinson rejoined the meeting.

137. **W12/1172 – FIVE WAYS NURSERIES, FIRS LANE, HASELEY, WARWICK**

The Committee considered an application from Mrs Askew for the removal of the existing mobile home and replacement with a single dwelling house.

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

The case officer considered the following policies to be relevant:

National Planning Policy Framework
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)
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)
Open Space (Supplementary Planning Document - June 2009)
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 represented inappropriate development and was therefore contrary to established Green Belt policy. No very special circumstances were considered to exist to outweigh harm and justify the development.

An addendum was circulated at the meeting which informed the Committee that two further letters of support had been received reflecting comments within the Committee report.

Councillor Clapp, representing Beausale, Hasely, Honiley and Wroxall Parish Council, addressed the Committee in support of the application. He stated that the Parish Council had changed its view to reflect the support from the community and now completely supported the application. Councillor Clapp informed the Committee that he had never witnessed such a level of support for an application in his experience as a councillor. Councillor Clapp explained that the application was linked to a business operating on the site that was required by the agricultural, equine and rural community, and additionally Warwick District Council for tree clearing. It had been running for a number of years and the applicants rented land nearby for sheep farming. Trees would shield the proposal and Councillor Clapp

finished by saying that the proposals would enhance the Green Belt and was supported in the Parish Plan.

Councillor Mrs Gallagher addressed the Committee as a Ward Member in support of the application. She claimed that the National Planning Policy Framework (NPPF) permitted such development in exceptional circumstances. She reiterated many of Councillor Clapp's points. She pressed home that security was paramount and informed the Committee that theft had been an issue in the past so there had to be a 24 hour presence on site, which was currently being met with the provision of a mobile home for staff. If the application was refused, she contended that it would have a domino effect on the community. The business featured in the local emergency plan to provide emergency equipment; she cited an aircraft disaster as a case in point where the machinery would be vital.

Some Members felt that there were special circumstances to grant the application, but were mindful that if at any time the business were to end, those special circumstances would cease to exist.

The Development Manager, Gary Stephens, reminded Members that as the dwelling was substantially greater than the current mobile home, special circumstances were an absolute requirement for granting permission to the application. Members acknowledged this but some felt it would be perverse to refuse permission given the circumstances.

The Development Manager then gave advice to the Members that if they were minded to grant permission, because emphasis was being placed on the way the business currently operated, then they were giving permission for a bricks and mortar dwelling. He asked Members to consider whether this meant that they thought that if the business changed, the permission would be withdrawn. The Council's solicitor, Max Howarth, then gave some guidance on occupancy conditions and he informed Members that the Government advised against imposing occupancy conditions. It might be deemed unreasonable to demolish the building because the business had left. The Council's solicitor advised Members that whilst it was perfectly legal to impose such a condition, the Council would probably have a fight to impose an enforcement action to demolish the building if it had stood for years. Following some debate on what conditions to impose in respect of occupancy, a motion to grant the application was put to the vote but it was narrowly defeated by one vote.

A motion to refuse permission for the reasons stated in the case officer's report was carried.

RESOLVED that W12/1172 be REFUSED because the application site lies within the Green Belt where strict policies of restraint apply. The application proposes a new dwelling house. The development proposed would cause serious harm to the Green Belt as it: -

1) is inappropriate;
2) diminishes openness;

3) conflicts with the purpose of including land in the Green Belt by encroaching upon the countryside and is harmful to the maintenance of its character; whilst failing to contribute to the achievement of any of the objectives for the use of land in the Green Belt.

There are no very special circumstances sufficient to outweigh such harm. In consequence the application is contrary to Policy RAP1 of the Warwick District Local Plan 1996-2011 and the aims and objectives of National Planning Policy Framework 2012 and is not justified by any other material considerations.

138. **W12/1186 – FERNWOOD FARM, ROUNCIL LANE, BEAUSALE, WARWICK**

The Committee considered an application from Mr Collier for the conversion of a redundant agricultural barn to live / work unit.

Councillor Mrs Gallagher requested that this application be presented to Committee.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)
RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
Distance Separation (Supplementary Planning Guidance)
Sustainable Buildings (Supplementary Planning Document - December 2008)
National Planning Policy Framework
RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

It was the case officer's opinion that the development represented inappropriate development and was therefore contrary to established Green Belt policy. No very special circumstances were considered to exist to outweigh harm and justify the development.

Councillor Gee, speaking on behalf of Beausale, Haseley, Honiley and Wroxall Parish Council, addressed the Committee in support of the application. The councillor informed the Committee that the Parish Council had no objections to the proposals.

Mr Collier addressed the Committee in support of the application. He described himself as not the owner, but "the keeper" of the site, and as

such, he had a duty of care. He had dedicated himself to its restoration and upkeep during his eight years there. He gave details of works that had been undertaken at the site and pointed out that the site now provided homes for four families. Four years previously, permission had been given for works on a barn, and this previously redundant building now had purpose; he was seeking the same for another redundant building. He felt that the proposals would not impact on the Green Belt and would create growth and jobs. He maintained that the conversion was suitable under NPPF.

Councillor Mrs Gallagher addressed the Committee as Ward Councillor in support of the application. She informed the Committee that the List of Public Speakers for that evening incorrectly showed her as objecting to the application. She informed Members that she had received many emails in support of the application. She stated that live work units were a sustainable form of development as they negated the need to commute. The proposals would help with the work that was being done in conjunction with Warwick University. As the canopy was going to be removed, the openness would be increased.

Members agreed with the comments made by the public speakers that a currently redundant building would be put to good use. Members felt that the building as it stood currently had a negative visual effect on the Green Belt as it was "hideous" and were concerned that rural business should be supported. The Development Manager gave advice on conditions to impose concerning renewable energy, removal of permitted development rights on the concerns over the cartilage, conditions to stop use of the unit becoming purely residential, and a condition on storage.

Following the site visit on 24 November 2012, consideration of the report and presentation, along with the representations made at the meeting, the Committee was of the opinion that the application should be granted contrary to the recommendations in the report.

RESOLVED that W12/1186 be GRANTED contrary to the recommendation in the report as it is in accordance with RAP7 and the NPPF supporting economic growth and the viability of the rural area, subject to the following conditions:

(1) the development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) No.770-05 Rev C, Proposed 1:250 Rev A 18.09.12, and specification contained therein. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance

with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) the development shall be carried out only in full accordance with sample details of the elevational materials, which have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

(4) the development hereby permitted shall be carried out in strict WARWICK DISTRICT COUNCIL NOTICE OF DECISION W/12/1186 accordance with the details of surface and foul water drainage works that have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

(5) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of the dwelling house hereby permitted without the prior written approval of the local planning authority. **REASON:** That having regard to the nature of the proposed development, as a converted agricultural building, it is important to ensure that no further development is carried out which would detract from the character of the agricultural building or the openness of the area. Therefore, no additional development is to be carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the National Planning Policy Framework 2012;

(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. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(7) the areas indicated on the approved drawings for vehicular manoeuvring space and parking shall at all times be kept free of obstruction and be available for those purposes unless otherwise agreed in writing by the local planning authority. **REASON:** To ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety in accordance with Policy DP8 of the Warwick District Local Plan 1996-2011;

(8) no storage shall take place in the open on any part of the site. **REASON:** To protect visual amenity/openness and to ensure that the site is not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies DP1, DP2 & DP9 of the Warwick District Local Plan 1996-2011;

(9) the business floor space of the live/work unit shall be finished ready for occupation before the residential floor space is occupied and the residential use shall not precede commencement of the business use. **REASON:** Permission is only being granted as the specific type of WARWICK DISTRICT COUNCIL NOTICE OF DECISION W/12/1186 live/work use proposed, making use of the premises as an integrated whole, will support economic growth and the viability of the rural area in accordance with the National Planning Policy Framework 2012;

(10) the business floor space of the live/work unit shall not be used for any purpose other than for purposes within Class [B1] in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. **REASON:**

To protect the amenities of occupants of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011; and

(11) the living unit and B1 business unit shall not be subdivided, sublet or separately sold off and the residential floor space of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floor space of that unit, a widow or widower of such a person, or any resident dependants.
REASON: Permission is only being granted as the specific type of live/work use proposed, making use of the premises as an integrated whole, will support economic growth and the viability of the rural area in accordance with the National Planning Policy Framework 2012.

139. **W12/1231 – KENILWORTH SCHOOL & SPORTS COLLEGE, LEYES LANE, KENILWORTH**

Councillor Illingworth left the room whilst this item was discussed; having previously declared an interest due to predetermination and Councillor MacKay chaired the meeting whilst this item was considered.

The Committee considered an application from West Midland R F C A for an air training corps cadet building and a replacement store.

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

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)
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)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Distance Separation (Supplementary Planning Guidance)
National Planning Policy Framework

It was the case officer's opinion that the development was of an acceptable standard of siting and design and provided an appropriate use within the context of this established school site. The scheme did not result in an

unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light, privacy or disturbance.

Mr Ford addressed the Committee on behalf of a group of five residents including himself. He informed Members that noise and disturbance were their principal concerns but they had not been supplied with information about what use and activities would take place. They assumed that activities would be confined to the building, but in view of the lack of information, there was concern that activities would involve parades and additional traffic. The movement of traffic was a concern as they believed it would involve traffic arriving at 7.30 pm and leaving at 10.30 – 11.00 pm. Mr Ford asserted that this would be similar to a neighbour hosting a party for 30 people every weekend. Whilst noise was expected from a school, this application would lead to noise during evenings, holidays and weekends and they feared there might be a loss of amenity.

Councillor Mobbs addressed the Committee as Ward Councillor in objection to the application. He said that when the site visit was conducted, the noise level had been high, and whilst residents accepted this in school times, the cadets would be based just two metres away and there would be a loss of residential amenity. Councillor Mobbs stressed the effect of this application with respect to noise and disturbance. He asked Members to consider sound proofing if they were minded to grant the application but urged that they refuse the application because of the unacceptable loss of amenity. Councillor Mobbs then left the room for the remainder of discussions on this item, having declared an interest due to predetermination.

Members noted that the cadets would be young and therefore not everyone would own a car. It was also noted on the plans that the ridge would rise slightly above the hedge so this would screen most of the properties behind. Additionally, the school was already busy during the day and night with activities associated with the sports hall, and whilst it was recognised that the ATC unit would increase the usage, it would not be as noticeable as the site was already in use. Members were uncertain how frequently the cadets would meet during school holidays but presumed that it would not be every evening. They agreed that the noise would not be serious enough to justify a refusal of planning permission and a school was a suitable location for such activities. It was agreed that a condition in respect of flood lighting would be required.

Following the site visit on 24 November 2012, consideration of the report and presentation, along with the representations made at the meeting, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendations.

RESOLVED that W12/1231 be GRANTED subject to the following conditions:

(1) the development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) 200 Rev P3, 204 Rev P5, 206 Rev P2, 207 Rev P1, 211 Rev P4, and specification contained therein, except as required by conditions 3 and 4 below. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) the development shall be carried out only in full accordance with sample details of the elevational materials, which have been submitted to and approved in writing by the local planning authority. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

(4) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers' specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(5) no person shall use and no activity shall take place in the building hereby approved before 8am or after 10pm at any time. **REASON:** To ensure that the buildings are not used at a time which would be likely to cause nuisance or disturbance to nearby residents in accordance with Policies DP2 & DP9 of the

Warwick District Local Plan 1996-2011;

(6) the areas indicated on the approved drawings for vehicular manoeuvring space and parking shall be completed prior to first occupation of the building. Thereafter those spaces shall at all times be kept free of obstruction and be available for those purposes. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies DP6 & DP8 of the Warwick District Local Plan 1996-2011; and

(7) no lighting or illumination of any part of any building or the application site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** To ensure that any lighting is designed so as not to detrimentally affect the amenities of the occupiers of nearby properties in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

Councillors Illingworth and Mobbs rejoined the meeting. Councillor MacKay handed back the Chair to Councillor Illingworth.

140. **W12/1240 – 20 WYCHWOOD CLOSE, BISHOPS TACHBROOK, ROYAL LEAMINGTON SPA**

The Committee considered a retrospective application from Mr Nagra for the installation of a roller shutter front to shop front.

This application was presented to the Committee because Bishop's Tachbrook Parish Council was in support of the application but it had been 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)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
Increased Security for Retail Premises (Supplementary Planning Guidance)
National Planning Policy Framework

It was the case officer's opinion that the development should be refused due to its impact on the character and amenity of the area, and the

character and appearance of the adjacent Conservation Area due to its harsh design and appearance contrary to policies DP1, DP2 and DAP8 of the Local Plan and the Council's Supplementary Planning Guidance for Retail Premises.

An addendum was circulated at the meeting which informed the Committee that three further letters of support had been received for the application.

Councillor Deeley, speaking on behalf of Bishop's Tachbrook Parish Council, addressed the Committee in support of the application. Councillor Deeley informed Members that security had been an issue at the shop and that local residents were concerned that if these were not addressed, they would lose a useful service to the community. The shutters were required for security and this need outweighed other considerations. They would act as a deterrent to reduce instances of criminal damage to the shop windows. Councillor Deeley informed Members that there were now only four shops along the stretch now, but the other three no longer operated as retail premises, so it was vital that Mr Nagra's shop was supported. The shutters would only have a minor visual impact.

Mr Nagra, the owner of the shop, highlighted that his business was outside of the Conservation Area. The application was retrospective and the shutters had been installed nine months ago as a direct response to a series of break-ins. The shop was a small family run concern that provided a service to the local community. Since the shutters had been installed, he was not aware of any objections to them. During daylight hours the shutters were open. They were only down when the shop was closed at night, and so they were not that visible the majority of the time. Mr Nagra offered to paint the shutters another colour if the Committee wished; although he felt that grey was a neutral colour. He also indicated that the criminal damage and break-ins were making insurance an issue. He appealed to Members that the circumstances were exceptional and to view the application favourably in a situation where crime had occurred.

Members were sympathetic to the problems the owner faced and thanked the parish council for ensuring that the application was brought to Committee. They felt that if the application was granted, a condition should be added to control the colour of the shutters, and that the colour should be decided by agreement with planning officers. It was noted that whilst the Community Safety Officer had objected to the application, he had not given reasons. Members were also in agreement that the shutters would not be visible during daylight hours when the shop was open. They felt that it was important to prevent crime and to encourage the retention of local services and shops and this outweighed other considerations.

Following consideration of the report and presentation, the application should be granted contrary to the recommendation in the report with a condition requiring approval of the colour of the shutter.

RESOLVED that W12/1240 be GRANTED, contrary to the recommendation in the report to prevent crime, support the sustainability of the village shop, and because the shutters would only be visible for a

limited period each day subject to the following condition:

(1) Within 1 month of the date of this permission, the applicant shall submit to the District Planning Authority for its approval details of the proposed colour of the roller shutter. Within two months of the approval of the details by the District Planning Authority, the roller shutter shall be painted the approved colour and thereafter retained and not be painted any other colour other than in strict accordance with details which have been submitted to and approved in writing by the local planning authority. **REASON :** To ensure a high standard of design and appearance to satisfy Policy DP1 of the Warwick District Local Plan 1996-2011.

141. **W12/1255 – TALISMAN SQUARE, WARWICK ROAD, KENILWORTH**

The Committee considered a retrospective application from Cobalt Estates for the change of use of land to create a car park comprising 44 car parking spaces including four spaces for the disabled and cycle parking.

This application was presented to the Committee because the application had previously refused by the Planning Committee but it was now recommended for approval.

The case officer considered the following policies to be relevant:

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
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)
DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework
UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of loss of amenity which would justify a refusal of permission.

An addendum was circulated at the meeting which informed the Committee that the Applicant had changed the proposed surfacing material from porous to non-porous and the reasons for this.

Mr Morris informed the Committee that he was speaking on behalf of local residents who were regular shoppers in the area and who were opposed to the application. Mr Morris said that there was a pedestrian safety issue and arrangements for the partially sighted had not been addressed fully. The car park would only be 12 metres from the existing shops and street cafés. Station Road West was a key pedestrian route between the shopping centre and the car park. He said that the Highways Authority had ignored this in its considerations and the proposals were contrary to policies DP6 and DP7. Mr Morris maintained that there was no need for further parking provision within Kenilworth shopping area, it already being served by four car parks. He was concerned that the building behind the proposed car park would have a view of cheap panelling. He was also concerned the car park would remain there permanently as "once it is there, it is there".

The Development Manager informed Members that the principal changes to the scheme from the previous application were that the parking area had been moved forward and thus a larger green buffer had been created. There had been alterations to the entrance way and traffic movements in and out would be greater. The Highways Authority had not made an objection to the amended proposals. In response to concerns from Members about dangers to residents who might require assistance, the Development Manager assured them that the District Council expected the car park to be safe and secure and to reach the same standards that were applied to the District's own car parks.

Members were concerned about safety issues and the fact a crossing would now be further away from the shops. They also noted that the Applicant had now stated that a non-porous surfacing would be used, yet the car park was supposed to be temporary and only be in situ for five years. Members were also concerned that the site would look a mess with the panels. The Development Manager reminded them that the proposal had sought to address the reasons that had been given for refusal previously and if the Committee was minded to refuse this application, it must be clear on what grounds. He pointed out that the Council did not have a policy to refuse car parks in the town centre. He advised Members that they could set a condition that the surfacing had to be non-porous; additionally if they had concerns about the hedging which one Member had described as "incongruous as Talisman Square was not a flower bed", then a condition could be set for alternative means of a barrier. The Council's solicitor, advised Members that in respect of setting a condition about the appearance of the building that fronts on, this could only be set if the amenity was a refusal reason.

Members then agreed that the proposals were something that could be landscaped, and it would increase the parking provision for the disabled. It was also noted that Kenilworth Town Council was supporting the application and several letters of support had been received.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendations, but with additional conditions relating to landscaping, porous surfacing,

improvement to the visual appearance of the adjoining buildings' facade, and to amend condition 3 to cease the use only after five years.

RESOLVED that W12/1255 be GRANTED subject to the following conditions:

(1) the development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) (0133-C-CP-PD-204-E submitted on 13 November 2012. C12-09-SS, Bailey Bollard and Holophane Dorchester submitted on 7 November 2012), and specification contained therein. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) the use of the car park hereby permitted shall be discontinued on or before 27/11/2017 and the car park hard standing together with any associated equipment and lighting shall within one month after that date be completely removed and the site restored to its former condition in accordance with a schedule of works which have been submitted to and approved in writing by the local planning authority. **REASON**: This permission is granted to allow a beneficial use of the land in the short term, but would not be a suitable longer term use for this part of the shopping centre where development would need to take account of Policies UAP3 and TCP2 of the Warwick District Local Plan 1996-2011;

(4) the development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary fences to be erected, specifying the colour; footpaths; and hard surfacing. The hard landscaping works shall be completed in full accordance with the approved

details prior to the first use of the car park hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011;

(5) the development shall not be occupied until the existing drop kerb and tactile paving has been removed and reinstated and a new pedestrian crossing point has been provided in general accordance with plan 0133-C-CP-PD-204-E with details to be agreed with the Highway Area Team at the time of implementation. **REASON**: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(6) no development shall take place within the application site, unless and until a programme of archaeological works and investigations has been secured and initiated in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. **REASON:** In order to ensure any remains of archaeological importance, which help to increase our understanding of the Districts historical development are recorded, preserved and protected were applicable, before development commences in accordance with Policy DP4 of the Warwick District Local Plan 1996-2011;

(7) the accesses to the site shall not be reconstructed in such a manner as to reduce the effective capacity of any drain or ditch

within the limits of the public highway. **REASON**: In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and

(8) the development shall not be occupied on the site unless and until details of the proposed elevational treatments of the facade to the rear of 63-65 Station Road and the side facade of 2 Talisman Square have been submitted to and approved in writing by the District Planning Authority, and the work completed in full accordance with the approved details. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

142. **W11/0320 – 73 WARWICK STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application from Alveston Developments Limited for an extension of time limit for the implementation of planning permission W04/1111 for the part demolition of existing building and construction of alterations to provide retail storage and fire escape in the basement, retail on the ground floor and 18 flats above.

This application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council and because it had been recommended that planning permission should be granted subject to the completion of a legal agreement.

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)
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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework
TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)

DAP4 - Protection of Listed Buildings (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)
DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
Affordable Housing (Supplementary Planning Document - January 2008)

It was the case officer's opinion that the proposed development was acceptable in principle, 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 harm highway safety, the viability of the town centre, the amenity of nearby residents and would provide adequate living conditions for future occupiers. Whilst the development did not comply with Policy SC11, it was considered that a departure from the Local Plan in this regard could be justified in the interests of the viability of sustainable development in accordance with paragraph 173 of the National Planning Policy Framework (NPPF).

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

RESOLVED that W11/0320 be GRANTED, subject to conditions set out below and the completion of a Section 106 Legal Agreement to be completed by 31 December 2012. (Failure to complete the agreement by the deadline may result in planning permission being refused.)

Conditions:

(1) the development hereby permitted shall begin not later than five years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos. 860/20F, 21F, 22J, 24H, 25J, 33C and 40A, and specification contained therein. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy DP1 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 balconies, dormers,

parapets, external fire escape and covered fire escape route leading thereto, render detailing, doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DP8 of the Warwick District Local Plan 1996-2011;

(4) samples of all external facing materials including details of render and colour thereof 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 Policies DP1 and DAP8 of the Warwick District Local Plan;

(5) no development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON**: To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy DP1 of the Warwick District Local Plan 1996-2011;

(6) no development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission, both noise transmission within the building (between flats and between the retained retail area and the flats) and of airborne noise have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON**: In the interests of the amenities of future occupiers of the building and to satisfy Policy DP2 of the Warwick District Local Plan

1996-2011;

(7) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers' specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and

(8) no external lighting shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the Local Planning Authority. **REASON:** To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policies DP1 and DAP8 of the Warwick District Local Plan 1996-2011.

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

The Committee considered an application from Mrs Taylor-Green for the construction of a stable building, outdoor riding ménage, graded pathway and change of use of agricultural land to land for the accommodation of horses.

This application was presented to the Committee because an objection had been received from Lapworth Parish Council. It had been withdrawn from the agenda of the Committee 16 October 2012 to allow for further consideration of the highway and ecology issues.

The case officer considered the following policies to be relevant:

National Planning Policy Framework
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
RAP9 - Farm Diversification (Warwick District Local Plan1996 - 2011)
RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development did not unacceptably prejudice the openness and rural character of the Green Belt area, and would not be likely to generate significant road traffic movements to the detriment of highway safety.

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

RESOLVED that W12/1079 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 drawing(s) (AR 900 002 B, AR_200_003_B, AR_200_004_A submitted on 28 August 2012. 159_SK_001 submitted on 7 September 2012), and specification contained therein. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) 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 construction 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 only

be undertaken in strict accordance with details of soft landscaping works which have been submitted to and approved in writing by the local planning authority. All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation of the development hereby permitted. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations. **REASON**: To 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;

(5) the stables hereby permitted shall only be used for purposes in connection with and incidental to the use of the land for grazing purposes and shall not be used for the purposes of a livery or riding school. An up to date register containing details of all horses permanently stabled on the application site, and the owners of those horses, shall be maintained and produced to the Local Planning Authority immediately on request. **REASON**: To ensure there is no significant increase in the number and type of vehicle movements to the site in this rural location, in accordance with Policy DP7 of the Warwick District Local Plan 1996-2011;

(6) no external lighting or sound amplification or tannoy system shall be installed on any external wall or roof of any building or within the open land comprised in the application site. **REASON:** To protect the amenity of the countryside, and to satisfy the requirements of Policies DP1 and DP9 of the Warwick District Local Plan 1996-2011; and

(7) the menage hereby permitted shall only be used by the occupants of Hill Barn Farm and their employees for the exercising of horses stabled at the premises. **REASON**: To ensure

there is no significant increase in the number and type of vehicle movements to the site in this rural location, in accordance with Policy DP7 of the Warwick District Local Plan 1996-2011.

144. **W12/1269 – THE OAKS STABLES, WESTON LANE, WESTON UNDER WETHERLEY**

The Committee considered a retrospective application from Wag-N Train Limited for a change of use of part of the existing stable building to a day care facility for dogs operating 08.30 – 17.30 Mondays to Fridays (inclusive).

This application was presented to the Committee because a number of objections had been received including one from Weston under Weatherly Parish Council.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

It was the case officer's opinion that the use did not prejudice the openness and rural character of this green belt area and would not result in unacceptable harm to nearby residents.

An addendum was circulated at the meeting which informed the Committee that further correspondence had been received from the Parish Council requesting that a condition be attached to ensure that a double gate system was put in place on the facility and that this was discussed at Committee.

Members were advised that the Council had not received any letters of objection to the application. Members also felt that the condition 4 was too severe and asked that officers amend it to allow more flexibility but still maintain highway safety.

Following consideration of the report and presentation, along with the information contained within the addendum, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendations.

RESOLVED that W12/1269 be GRANTED subject to the following conditions:

(1) the development hereby permitted shall begin not later than three years from the date of this

permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing number 740-02 and specification contained therein, submitted on 11 October 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) no dogs except those owned by the owner/proprietor or the owner's or proprietor's family or employees shall be permitted to enter, occupy or use any part of the day-care facility for dogs before 08.30 or after 17.30 on any weekday or at any time on a Saturday, Sunday or Bank / Public Holiday. **REASON:** To protect the occupiers of nearby residents and to satisfy Policies DP2 and DP9 in the Warwick District Local Plan 1996-2011;

(4) customers of the day care facility shall not be permitted to deliver their dogs to, or collect their dogs from the day care facility. The delivery and despatch of dogs shall be carried out solely by the operators of the business or their employees. **REASON:** To ensure that movements to and from the site are limited in order to prevent traffic generation in an unsustainable rural location in accordance with Policy DP7 in the Warwick District Local Plan 1996-2011 and to protect the amenity of residents in nearby properties in accordance with Policy DP2 in the Warwick District Local Plan 1996-2012;

(5) no more than 15 dogs shall occupy the day care facility at any one time. **REASON:** To protect the amenity of nearby residents in accordance with Policies DP2 and DP9 in the Warwick District Local Plan 1996-2011;

(6) no storage shall take place in the open part of the site. **REASON:** To ensure that the site is not used in a manner prejudicial to or likely to cause harm to the openness and rural character of the Green Belt in accordance with the National Planning Policy Framework; and

(7) prior to the occupation of the site for the use hereby permitted, a double gated system shall be installed at the entrance to exercise area and shall be retained as such at all times thereafter. **REASON:** In the interests of the safety of the animals and members of the public, in accordance with Policy DP2 in the Warwick District Local Plan 1996-2011.

145. **W12/1281 – 17 GREVILLE ROAD, KENILWORTH**

The Committee considered a retrospective application from Mr Singh for the erection of a single storey front extension with a two storey side extension and single storey rear extension.

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

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)

It was the case officer's opinion that the proposed single storey front extension; the two storey side extension and the single storey rear extension were acceptable in terms of their character and appearance within the street scene and did not significantly impact on the amenities of surrounding neighbours and should therefore be approved.

Members noted that when they had attended the site visit, five other properties had the same alterations.

Following the site visit on 24 November 2012 and consideration of the report and presentation, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendations.

RESOLVED that W12/1281 be GRANTED subject to the following conditions:

(1) the development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section

91 of the Town and Country Planning Act 1990 (as amended);

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and amended approved drawing 002A, and specification contained therein, submitted on 13th November, 2012. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the windows serving the first and second floors to be formed in the North East facing elevation of the two storey side extension hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed. **REASON:** In the interests of the amenities of the occupiers of nearby properties in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011; and

(4) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers' specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

146. **W12/0988 – REAR OF 16 HIGH STREET, MONMOUTH CLOSE, KENILWORTH**

The Committee considered an application from MSL Developments for the conversion of the existing retail buildings to two no. two-bedroom apartments. Also alterations to existing fenestration including the insertion of a Juliet balcony at the first floor level to the rear elevation and an extension to existing roof and demolition of existing chiller unit.

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

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)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
Sustainable Buildings (Supplementary Planning Document - December 2008)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
Open Space (Supplementary Planning Document - June 2009)
UAP4 - Protecting Local Shopping Centres (Warwick District Local Plan1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property was situated, and would not lead to an unacceptable impact on parking availability in the vicinity.

An addendum was circulated at the meeting which clarified issues in relation to parking issues that Members had spotted on their site visit.

Following the site visit on 24 November 2012, consideration of the report and presentation, along with the information contained within the addendum, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendations.

RESOLVED that W12/0988 be GRANTED, subject to the following conditions:

(1) the development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing(s) (4333 22 and 4333 23), and specification contained therein, submitted on 8 August 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 development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers' specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(4) 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) and roof lights, at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON**: To ensure a high standard of design and appearance for this Listed Building within the Conservation Area, and to satisfy Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011;

(5) no development hereby permitted shall commence unless and until scheme(s) and appropriate details have been submitted and approved in writing by the local planning authority to provide for:-

i) the provision of and / or improvement of and / or maintenance of public open space within the catchment area of the site; in accordance with Policy SC13 of the Warwick District Local Plan 1996 - 2011

The facilities shall be implemented in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy SC13 of the Warwick District Plan 1996 – 2011;

(6) no facing and roofing materials shall be used other than materials similar in appearance to those used in the construction of the exterior of the existing building. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the amenities of the locality in accordance with Policies DP1, DAP4 and DAP8 of the Warwick District Local Plan 1996-2011;

(7) none of the dwellings hereby permitted shall be occupied until the communal car parking spaces to be provided have been completed and marked out in accordance with the approved drawing(s) number 4333 22 and made available for use by the occupants and / or visitors to the dwelling(s) and thereafter those spaces shall be retained for parking purposes. **REASON:** To ensure that satisfactory off-street parking facilities are available within the site for private motor vehicles which otherwise of necessity would be parked on the public highway to the detriment of the free flow of traffic on the highway and the amenities of the occupants of adjacent residential properties in accordance with Policies DP1, DP2 & DP8 of the Warwick District Local Plan 1996-2011;

(8) All window frames shall be constructed in timber, painted and not stained, and be of a side hung casement type set in reveals of

75mm from the face of the building. **REASON**: To ensure a high standard of design and appearance for this Listed Building within the Conservation Area, and to satisfy Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011; and

(9) Prior to the first occupation of the development hereby approved the existing chiller unit and chiller building shall be demolished and removed from the site. **REASON:** To protect the amenities of occupants of the development in accordance with Policies DP2 & DP9 of the Warwick District Local Plan 1996-2011.

147. **W12/1174 – SANDALL HOUSE FARM, NARROW LANE, LOWSONFORD**

The Committee considered a retrospective application from Ms Saber for a muck heap enclosure and new hard standing.

This application was presented to the Committee because of a potential objection from Rowington Parish Council.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

It was the case officer's opinion that the development did not prejudice the openness and rural character of the green belt area and was 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 officer's recommendations.

RESOLVED that W12/1174 be GRANTED subject to the following condition:

(1) the site must be self-draining and the structure and imported hard standing materials must not impede flood flows and not result in any loss of flood plain volume. Any volume removed from the flood plain by the development must therefore be accommodated elsewhere on the site. A scheme shall be submitted to the local planning authority for approval within 2 months of the decision date showing the locations where earth volume will be removed from the flood plain and relocated, including

calculations to demonstrate the fill/cut volumes for the site to result in no net loss of floodplain volume. The approved scheme shall then be carried out in full within six months of their approval. **REASON:** To minimise the risk of flooding elsewhere within the flood plain in accordance with Policies DP2, DP3 and DP11 of the Warwick District Local Plan 1996-2011.

148. **W12/1198 – CASTLE FARM RECREATION GROUND, FISHPONDS ROAD, KENILWORTH**

The Committee considered an application from Warwick District Council for the cladding of the existing roof, new gutters/rainwater pipes and new underground surface water drainage.

This application was presented to the Committee because the applicant was 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)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

It was the case officer's opinion that the development respected the character of the original building and would not harm the openness of the Green Belt and was considered to comply with Warwick District Local Plan Policy DP1 and the National Planning Policy Framework.

An addendum was circulated at the meeting which informed the Committee of further clarification provided by the Applicant on drainage matters.

Members stated that the Council might approach the Applicant outside the meeting to enquire whether white/off white was really the best colour for a wall in a rural area.

Following consideration of the report and presentation, along with the information contained within the addendum, the Committee was of the opinion that the application should be granted in accordance with the officer's recommendations.

RESOLVED that W12/1198 be GRANTED subject to the following conditions:

(1) the development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended);

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawings 4012-01, 4012-02, 4012-03, 4012-04, 1211/P3, and specification contained therein, submitted on 25th September, 2012 and 12th October, 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 development hereby permitted shall be carried out in strict accordance with the details of surface and foul water drainage works indicated on the approved drawings or in any subsequently approved amendments. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011; and

(4) the applicant is to undertake and provide percolation test results for the site where infiltration of water is proposed, this is to be in accordance with British Building Regulations part M. The applicant is to provide a report showing photos of the tests being carried out and details of the test results along with soak away design calculations in accordance with BRE 365. If infiltration is not suitable on site then another drainage strategy will need to be submitted. **REASON:** To provide a suitable means of discharge of surface water and foul drainage from the site in accordance with Policy DP11 of the Warwick District Local Plan.

149. **ENF 414/40/12 – OLD BARN, LONGBRIDGE, BARFORD ROAD, WARWICK**

The Committee considered a report concerning an unauthorised change of use and installation of exterior cladding to an agricultural barn. The enforcement matter was presented to the Planning Committee to advise that in the circumstances of this particular matter, it was not intended to take enforcement action.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)

RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

It was the case officer's opinion that in order to facilitate the change of use of this agricultural barn to secure storage use, the provision of exterior cladding and infilling of this open sided barn was considered an extensive alteration to its external appearance and more than could be regarded as a conversion of an existing building. However, that external appearance whilst of poor design was not dissimilar to that of numerous agricultural buildings within the countryside many of which may have been erected under agricultural permitted development rights.

For that reason, and given the low intensity of the existing use of the building and the economic benefits of the use, it was not considered to be expedient to pursue this matter further by taking formal enforcement action at this stage. Should the use intensify in the future to the extent that harm was caused by the use of the building, the need for enforcement action would be reconsidered.

Following consideration of the report and presentation, the Committee was of the opinion that the enforcement action should not be pursued in accordance with the officer's recommendations.

RESOLVED that on ENF 414/40/12 no enforcement action be taken in respect of the unauthorised use of the building and the unauthorised erection of exterior cladding of the building.

150. **ENF 101/12/12 – 4 GRANVILLE STREET, ROYAL LEAMINGTON SPA**

The Committee considered a report concerning an unauthorised erection of a covered area within the rear garden. The enforcement matter was presented to the Planning Committee to request that enforcement action be authorised.

The case officer considered the following policies to be relevant:

National Planning Policy Framework.

DP1:	Warwick District Local Plan 1996 – 2011-	Layout and Design;
DP2:	Warwick District Local Plan 1996 – 2011-	Amenity;
DAP8:	Warwick District Local Plan 1996 – 2011-	Protection of Conservation Areas

It was the case officer's opinion that the unauthorised covered areas were not visible within the street scene and did not have an unacceptable adverse impact upon the residential amenities of adjoining residential properties. They did, however, result in the provision of a domestic residential property which did not benefit from any external private amenity space to the detriment of the amenities of future occupants of that property and contrary to Policies DP1 and DP2 of the Local Plan and the Residential Design Guide. In view of the absence of the voluntary resolution of this matter, the service of an Enforcement Notice was required in order to remedy this situation

An addendum was circulated at the meeting which informed the Committee that the landowner had submitted a report to the Planning Committee stating that the structure had been in existence for more than four years and therefore was immune from enforcement action. In addition, further evidence had been received from third parties citing that the works commenced during 2009.

Members noted that the Applicant had informed the Council that he had receipts for the works carried out and these were over four years old. They asked the Development Manager if the neighbours would give evidence to contradict the Applicant's assertions that the structure had been in existence for longer four years, and he informed them that the neighbours had given such evidence already. The Council's solicitor informed Members that the Applicant could appeal and apply for a certificate of lawfulness, to which the Development Manager added that enforcement action would force an application for a certificate of lawfulness. Members were also reminded that the site was in the Conservation Area.

Following consideration of the report and presentation, and the information contained within the addendum, the Committee was of the opinion that the enforcement action should authorised directed at the permanent removal of the unauthorised covered areas and all associated materials, with a compliance period of two months.

RESOLVED that ENF 101/12/12 be AUTHORISED for the removal of the unauthorised covered areas and all associated materials with a compliance period of two months.

151. **ENF 450/43/08 – MEADOW COTTAGE, HILL WOOTTON ROAD, HILL WOOTTON**

This item was withdrawn from the agenda to allow further discussion following the receipt of communication from the landowner.

(The meeting ended at 10.32 pm)