PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 5 July 2011 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor Illingworth (Chairman); Councillors Brookes, Copping, Ms Dean, De-Lara-Bond, Dhillon, Mrs Higgins, Rhead and Weed.

Councillor De Lara Bond substituted for Councillor Mrs Blacklock.

33. **DECLARATIONS OF INTEREST**

Minute Number 36 – W11/0575 – 7 Ashley Crescent, Warwick

Councillor Dhillon declared a personal interest because the application site was in his Ward.

Councillor Mrs Higgins declared a personal interest because the application site was in her Ward and one of the speakers was known to her.

Minute Number 40 – W11/0074 – Land at Aylesford School, Shelley Avenue, Warwick

Councillors Dhillon and Mrs Higgins declared personal interests because the application site was in their Ward.

Minute Number 41 – W11/0032 – Car Park. IBM Marketing Centre, Birmingham Road, Warwick

Councillors Dhillon and Mrs Higgins declared personal interests because the application site was in their Ward.

Minute Numbers 42 & 43 – W11/0256 & W11/0257 LB – Regency Business Centre, 81 Warwick Street, Royal Leamington Spa

Councillor Ms Dean declared a personal interest because the application site was in her Ward.

Minute Number 45 – W11/0485 – 9 Church Lane, Barford, Warwick

Councillor Rhead declared a personal interest because the application site was in his Ward.

Minute Number 48 – ENF 433/49/10 – Land adjacent to The Stag at Offchurch, Welsh Road, Offchurch, Royal Leamington Spa

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

34. **MINUTES**

The minutes of the meeting held on 14 June 2011 were taken as read and signed by the Chairman as a correct record with a minor amendment to the

spelling of the acronym CAMRA detailed in minute number 18, Declarations of Interest.

35. W11/0575 – 7 ASHLEY CRESCENT, WARWICK

The Committee considered an application from Mr Godhania for the erection of a two storey extension comprising a bedroom with en suite, sun lounge, family room, TV lounge and external works of new fence.

The application was presented to the Committee due to the number of objections received, including an objection from Warwick Town Council.

The Committee had visited the site on 2 July 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:

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

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

An addendum circulated at the meeting advised that the original report incorrectly stated that 18 neighbours had objected when it was actually 14 neighbours. It also stated that the application description had been altered to omit details relating to the fencing because this did not require planning permission. The addendum also highlighted the action taken following Warwick Town Council's concerns regarding the property being used for commercial use.

Mr John Morris addressed the Committee on behalf of a number of local residents, in objection to the application and stated that the application was contrary to the Council's Policies DP1 and DP2 which deal with Layout and Design and Amenity. He felt that the extension was overbearing and requested that it be refused.

Mr Roger Davies, the agent, spoke in support of the application and Mr Krishna Godhania, the applicant also addressed members and advised that the property had never been used for commercial purposes and was purely a residential dwelling.

Ward Councillor Linda Bromley, addressed the Committee in objection to the application and highlighted the relevant concerns including the detrimental effect that this application would have on neighbouring properties.

The Chairman reminded members that any mention of covenants should be disregarded as these would be dealt with in Property Law and were not relevant to this application. Similarly, he advised that the application in front of members was for alterations to the building and not for the use of the property.

Following consideration of the report, presentation and addendum, along with the representations made at the meeting, some members felt that the application should be refused, contrary to the officers' recommendations. It was proposed, and duly seconded that the application be refused and when put to the vote the motion was lost, three votes to six.

It was therefore proposed and duly seconded that the application did not cause any reasonable harm to neighbouring residents and should be granted in accordance with the officers' recommendations. A vote was taken and won 6 votes to 3.

RESOLVED that W11/0575 be GRANTED, subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved amended drawings 11-145 PA-03 Rev D. 11-145 PA-04 Rev B, and specification contained therein, submitted on 21st June, 2011 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) prior to the occupation of the development hereby permitted, the first floor windows in the North elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained and maintained in that condition at all times. **REASON** : To protect the privacy of users and occupiers of nearby properties and or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and

(4) no structure, tree or shrub shall be erected, planted or retained at the back of the highway foot way, that is likely to exceed at maturity, a height of 0.60 metres above the level of the public highway carriage way. Reason: To ensure that the hedge does not overgrow into the foot way at maturity.

36. W11/0623 – 15 CONVENT CLOSE, KENILWORTH

The Committee considered an application from Mrs H Sibbick for the erection of a double garage and terrace to the rear of the property.

The application was presented to the Committee because of the number of objections received, including an objection from Kenilworth Town Council. Councillor Shilton had also been requested the application be presented to the Committee.

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

The case officer considered the following policies to be relevant:

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

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

Kenilworth Town Councillor Mike Hitchins, addressed the committee and highlighted the Town Council's concerns relating to substantial loss of privacy for a number of residents and issues regarding subsistence. He stated that he felt this was gross overdevelopment and an overbearing application.

Mr Glenn Walker and Mr M Hulme addressed members with their objections as neighbouring residents and explained that they would lose substantial privacy and light. They were followed by Councillor Shilton, speaking in his capacity as Ward Councillor, who felt that a full survey should be undertaken prior to any work beginning in the interests of health and safety and thanked the committee for attending the site visit. He fully supported the comments made by the neighbouring residents and requested that the Committee refuse the application.

Members were concerned with the detrimental impact that this application would have on neighbouring properties and due to the lay of the land, the terrace in particular would be intrusive and unneighbourly. In addition, it was felt that there would be a substantial loss of amenity to residents due

to the overwhelming height of the garage wall and members were unhappy that the application did not meet the distance separation guidelines nor the guidelines regarding balconies / terraces.

Members were mindful, however, that the stability of the site was irrelevant to the application in front of them.

Following consideration of the report, presentation and the representations made at the meeting, the Committee were of the opinion that the application should be refused contrary to the officer's recommendations.

RESOLVED that W11/0623 be REFUSED contrary to the officers' recommendations because of the detrimental impact on neighbouring properties, the intrusive nature of the terrace and the consequential loss of privacy to other residents, the loss of amenity due to the overwhelming height of the garage brick wall and the application did not meet the distance separation guidelines.

37. **W10/1607 COMPTONS GARAGE, RUGBY ROAD, CUBBINGTON, ROYAL LEAMINGTON SPA**

The Committee considered an application from the Simon Smith Group for the redevelopment of the existing petrol filling station and garage / workshop to provide a new petrol filling station and garage / workshop along with associated ancillary features and alterations to the existing vehicular access.

The application was presented to the Committee because Cubbington Parish Council supported the application and officers had recommended that planning permission be refused.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
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)
UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Vehicle Parking Standards (Supplementary Planning Document)

The case officer was of the opinion that the application proposed retail development in an out of town centre location. In view of the amount of retail floorspace proposed, this would not be ancillary to the sale of fuel and therefore the proposals were likely to attract a significant number of customers to the site just to visit the shop. Consequently the proposals were likely to draw trade away from the nearby Rugby Road and Queen

Street Local Shopping Centres. In the opinion of the District Planning Authority this would cause unacceptable harm to the vitality and viability of those local shopping centres. The proposals were therefore considered to be contrary to the aforementioned policies.

An addendum was circulated at the meeting which advised of further comments received from the Environmental Health department. The additional comments stated that the noise issues could be satisfactorily dealt with by conditions and therefore the second reason for refusal stated in the report was deleted.

The applicant's representative, Mr Peter Frampton, addressed the Committee and stated that he felt members should not compare the recent appeal decision on the Stratford Road petrol filling station in Warwick because Compton's Garage was a working garage and workshop, used by a great number of the community and had been an established family business for a great length of time.

Councillor Hammon also addressed the Committee in support of the application in his capacity as Ward Councillor and highlighted that this site was of great importance to the residents of Cubbington and used by the urban and rural community alike.

Members were mindful that the services provided by the petrol station and garage were of considerable value to the resident's of Cubbington and the rural areas nearby, due to the distance to the next nearest petrol filling station. Members took into account the officers comments regarding the proposed shop having an effect on local businesses but felt that the nature of the proposed site was so different to the amenities offered by the other retail premises to be of any major disruption to their business. In addition, it was agreed that the lack of objection from those local businesses mentioned, was of importance.

Members did not feel that the comparisons highlighted in the report of a similar application site located on Stratford Road, Warwick were appropriate because of the geographical differences between the two areas.

Following consideration of the report, presentation and addendum, along with the representations made at the meeting, the Committee were of the opinion that the application should be granted contrary to the officer's recommendations because it was not considered to have a detrimental impact on the nearby retail centres and was an important community facility. Members requested that the officers present advise of the relevant conditions that should be added and stated that a condition be added which dealt with the opening hours of the shop.

RESOLVED that W11/1607 be GRANTED contrary to the officers recommendations subject to the following conditions:

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

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 3G & 4C, and specification contained therein, submitted on 9 December 2009 & 17 June 2011, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

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

the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011;

(5) no development shall take place unless and until:

(a) a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation;

(b) the remediation scheme approved under (a) has been completed in strict accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works;

(c) following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the District Planning Authority; and

(d) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time to be agreed with the District Planning Authority (to include the provision of reports to the District Planning Authority) has been submitted to and approved in writing by the District Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and submitted to the District Planning Authority for

approval. Where remediation is necessary a remediation scheme must be prepared and carried out in accordance with the requirements of (a) - (d).

REASON : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;

(6) within 1 month of the completion of the development an acoustic survey shall be undertaken while the plant hereby permitted is operational and the results shall be submitted in a report to the District Planning Authority for approval. The report shall include recommendations for further noise insulation measures if the results indicate that this is necessary. Any noise insulation measures specified in the approved report shall be completed in strict accordance with the approved details. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;

(7) the condenser area shall be enclosed by an acoustic barrier in accordance with the approved plans and the recommendations in the noise assessment report submitted on 28 June 2011. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;

(8) no machinery shall be operated within the valeting bay or the workshop unless all doors and windows to those areas are closed. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;

(9) no car washing or valeting shall take place other than between the hours of 0730 and 2100 on Mondays to Fridays, 0730 and 1930 on Saturdays or 0900 and 1800 on Sundays. **REASON** : To protect the amenities of

surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011;

(10) 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 District Planning Authority. **REASON :** To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;

(11) no part of the building hereby permitted shall be used for the purpose of retail sales except for the area annotated as "Shop" on approved drawing no. 3G. The shop hereby permitted shall not operate other than in conjunction with the petrol filling station and at no time shall the maximum net sales floor space of the shop exceed 139 square metres. The area annotated as "Workshop Customer Waiting Area" shall only be used as a waiting area for customers of the workshop here permitted and shall not be used for the purpose of the display or sale of goods. **REASON :** To protect the vitality and viability of nearby local shopping centres, in accordance with Policy UAP3 of the Warwick District Local Plan;

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

(13) the development hereby permitted shall not be brought into use until all parts of existing access within the public highway not included in the permitted means of access have been permanently closed and the kerb, footway and verge have been reinstated in accordance with the standard specification of the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the

requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(14) the development hereby permitted shall not be occupied unless and until the verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

(15) the proposed car parking areas for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. The parking areas shall be retained and kept free from obstruction and available for the parking of vehicles in association with the development hereby permitted at all times thereafter. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;

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

(19) the opening hours for the shop be restricted to 06:00 – 23:00.

38. W11/0054 – REAR OF 40 LEE ROAD, ROYAL LEAMINGTON SPA

The Committee considered an outline application from Mr I Tabor for the erection of a two bedroom bungalow.

The application was presented to the Committee following a request by the Ward Councillor, Councillor Mrs Jane Knight and a petition of support had been received from Royal Leamington Spa Town Council.

The case officer considered the following policies to be relevant:

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the proposed dwelling would be sited as backland development to the rear of existing properties at 34-40 Lee Road, 44 and 46 Kingsway, and 6 and 8 Southlea Close within an established residential area that was predominantly characterised by dwellings in generous plots that generally front onto the roads. In the opinion of the District Planning Authority, the erection of a detached bungalow on this site of restricted size and awkward configuration would result in a development which would appear unacceptably cramped and contrived in comparison with its surroundings and which would thereby be out of character with the existing pattern of frontage development in the surrounding area.

In addition, the current application proposed to erect a new dwelling, in part, on residential garden land. This was not previously developed land and the proposal did not provide affordable housing and therefore the proposal was contrary to Local Plan Policy UAP1.

Numbers 34 and 40 Lee Road had been extended and converted into self contained flats. Access to the site would be via an existing drive that passed between numbers 40 and 42 Lee Road close to existing habitable room windows and garden areas of these dwellings, which also served existing garages allocated to the shops and flats at 34-40 Lee Road.

In the case officer's opinion, the proposal would be harmful to the living conditions of the neighbouring residents and future occupants of the proposed dwelling by reason of the degree of noise and disturbance that would emanate from the unfettered movement of vehicles using the access road and the adjacent garages and the manoeuvring of vehicles within and adjacent to the site. The proposal was, therefore, considered contrary to the aforementioned policy.

An addendum circulated at the meeting explained some issues regarding the garages located to the rear of the shops and included an email of support from the County Crime Prevention Design Advisor.

Mr Joel Hancock addressed the Committee in support of the application and stated that he felt this proposal was the most sensible use for this derelict area of land. He advised that a number of neighbours were in support of the application and felt there would be no resultant harm to existing occupiers.

Councillor Mrs Knight addressed members in her capacity as Ward Councillor and advised that she was speaking on behalf of residents and her fellow Ward Councillors. She advised that this area was in great deterioration and attracted a great variety of worrying, anti social behaviour including fly-tipping, drinking and drug taking. Councillor Mrs Knight highlighted that this was outline permission and could be adjusted if necessary at a later date but should be seen as an opportunity to revitalise an area of the district.

Members were mindful that this was an opportunity to redevelop a run down, derelict site into a residential unit which would help to mitigate the

issues regarding anti-social behaviour that were currently being experienced there and were encouraged by the support from the Police. The Committee felt that the officers' reasons put forward regarding a loss of amenity should be discounted because of the petition submitted by over thirty neighbouring residents, who were stating that they would rather have the land developed as proposed, than it remain in its current state. In the current climate, it was encouraging to see a community working together to improve their area and any intention of Localism should be endorsed.

Members requested that the time limit for the outline permission be reduced to two years rather than the usual five, to encourage progress to be made to a full application as soon as possible.

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

RESOLVED that application W11/0054 be GRANTED contrary to the officers' recommendation, subject to a time restriction of two years from this decision and a condition regarding sustainable energy.

39. **W11/0074 LAND AT AYLESFORD SCHOOL, SHELLEY AVENUE, WARWICK**

The Committee considered an outline application from Warwickshire County Council for residential development with associated infrastructure and access.

The application was presented to the Committee because the applicant was Warwickshire County Council and was not for minor works.

The case officer considered the following policies to be relevant:

SC12 - Sustainable Transport Improvements (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)
SC8 - Protecting Community Facilities (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)
SC14 - Community Facilities (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
Appendix 2 of the Local Plan (Commitments).

Policies CF3, CF5 and CF6 of the Regional Spatial Strategy are also relevant since that document has not been formally revoked.

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 conflict with the Development Plan which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

Some members were concerned that the money received from any Section 106 agreement relating to this site should be used for the residents and community in Warwick West ward, in particular for Special Educational Needs. Officers advised that any allocation of these monies would have to be negotiated with the developer but reminded Members that this was only an outline permission at this stage.

Following consideration of the report, presentation and addendum, along with the representations made at the meeting, the Committee were of the opinion that the application should be granted in accordance with the officers' recommendations with an additional condition to be added regarding sustainable energy.

RESOLVED that application W11/0074 be GRANTED subject to the conditions listed below:

(1) this permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-

(a) appearance
(b) landscaping
(c) layout
(d) scale

REASON : To comply with Section 92 of the Town and Country Planning Act 1990 as amended;

(2) in the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON**: To comply with Section 92 of the Town and Country Planning Act 1990;

(3) the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of

approval on different dates, the final approval of the last such matter to be approved. **REASON** : To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

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

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

(6) no development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011;

(7) no development shall commence on the site until details of finished ground and road levels, including longitudinal sections, have been submitted to, and approved in writing by, the District Planning Authority. The development shall not then be carried out other than in strict accordance with such approved details. **REASON :** To ensure than a safe means of access and escape are provided to each unit of accommodation in accordance with PPS 25:

Development and Flood Risk;

(8) a strip of land 10 metres wide adjacent to the top of both banks of all watercourses on the site must be kept clear of all new buildings and structures (including gates, walls and fences) unless agreed otherwise in writing with the District Planning Authority in consultation with the Environment Agency. Ground levels must not be raised within this area. **REASON :** To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows;

(9) no development shall be carried out on the site until the Northern Link Road (approved under Application No. W04/2253) has been completed to base course level, and the Flood Alleviation Works approved under W10/1201 have been completed to the reasonable satisfaction of the District Planning Authority. **REASON** : To ensure that the site has adequate vehicular access and that the development of the site does not result in increased flooding problems;

(10) finished floor levels of buildings shall be set at least 600mm above the generally prevailing ground levels as shown on the Midlands Site Survey submitted on 11 May 2011 and in accordance with proposals set out in the Flood Risk Addendum Technical Note by Brookbanks Consulting Ltd of 10th June 2010. As part of any reserved matters detailed planning application for the site, a finished damp proof course floor slab level zoning plan shall be submitted to and approved by the District Planning Authority which must ensure No individual property or any associated garage has its damp proof course at a level below 49.4m OD. **REASON** : To provide adequate flooding resilience at the site;

(11) before the development hereby permitted is begun, the further written approval of the District Planning Authority shall be obtained for details of the design and construction of the estate roads and footways serving the development. These details shall include large scale plans and cross and longitudinal sections, showing design, layout, construction of the estate together with surface water drainage to outfall and shall provide for the finished estate roads and footways serving the development

to be at a level at least 500mm below the finished floor levels of the dwellings. **REASON** : To ensure compliance with the Council's standards, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011 and to ensure that satisfactory provision is made for the flood routing of river and surface water through the development to a point of safety;

(12) no surface water connections of any type shall be permitted to connect from this development to the Gog Brook. **REASON :** To provide adequate flooding resilience at the site;

(13) the reserved matters application, as set out in conditions 1-3 above, shall include details of safe access and escape routes to dwellings in the event of flood, in accordance with the requirements of PPS25: Development and Flood Risk. **REASON:** To provide adequate flood resilience at the site; and

(14) 10% renewable energy.

40. **W11/0032 CAR PARK, IBM MARKETING CENTRE, BIRMINGHAM ROAD, WARWICK**

The Committee considered an application from Mourant & Co for the construction of a replacement car park comprising of 103 spaces.

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

An addendum circulated at the meeting explained that a plan had been submitted showing details of the direction of surface water to the existing green field and as a consequence conditions 2 and 3 were recommended for amendment.

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)
DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of impact on the frontage to Wedgnock Lane which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, along with the representations made at the meeting, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendations.

RESOLVED that application W11/0032 be GRANTED subject to the conditions listed below:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (0068A submitted on 6 January 2011; 01C and 02A submitted on 14 March 2011; 03B submitted on 15 March 2011; 04 submitted on 10 May 2011; 200 submitted on 22 June 2011), and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) provision for the direction of run-off water from the hard surface hereby permitted shall be constructed and surfaced in full accordance with the details shown on drawing no. 200 submitted on 22 June 2011. **REASON :** To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan; and

(4) the landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with

in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

41. **W11/0058 LB WARWICKSHIRE POLICE HEADQUARTERS, WOODCOTE LANE, LEEK WOOTTON, WARWICK**

The Committee considered an application from Warwickshire Police Authority for the demolition of a wing adjoining Woodcote and other curtilage buildings.

The application was presented to the Committee because an objection had been received from Leek Wootton and Guy's Cliffe Parish Council.

An addendum was circulated at the meeting which advised that the Police wished to make it clear that they did not intend to carry out the demolition works proposed, until a scheme had been approved for redevelopment of the site.

The case officer considered the following policies to be relevant:

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 and was of an acceptable standard of design and detailing. The proposal was therefore considered to comply with the policies listed.

Members felt that the stable block was an important part of the site and that demolition should not be carried out until members had had the opportunity to comment on any proposed replacement building.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that the application should be granted subject to a condition ensuring that any replacement building be approved prior to demolition taking place.

RESOLVED that application W11/0058 LB be GRANTED subject to the conditions listed below:

(1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply

with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (202 submitted on 14 January 2011 and 199A submitted on 23 March 2011), and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) prior to any demolition works commencing, a method statement detailing how it is intended to demolish Building 4, Building 6b, 6c and Building 7a shall be submitted to and approved by the District Planning Authority. Demolition shall be carried out in accordance with the approved method statement. **REASON**: In order to ensure the protection of the stables forecourt walls and the former walled garden walls and to protect the setting of the Listed Building, in accordance with Policy DAP4 of the Warwick District Local Plan 1996 – 2011; and

(4) demolition of the stable block building number xx shall only proceed after a contract has been placed for the implementation of the development permitted under pp W08/0935 or such other application for which permission has been granted which in the opinion of the LPA justifies the demolition.

42. **W11/0256 REGENCY BUSINESS CENTRE, 81 WARWICK STREET, ROYAL LEAMINGTON SPA**

The Committee considered an application from Mr Savage for the change of use of first, second and third floors from offices to an eight bedroom house in multiple occupation.

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

An addendum circulated at the meeting detailed further comments made by Royal Leamington Spa Town Council following re-consultation on amended plans.

The case officer considered the following policies to be relevant:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
SC13 - Open Space and Recreation Improvements (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
Vehicle Parking Standards (Supplementary Planning Document)
Open Space (Supplementary Planning Document - June 2009)
TCP9 - Protecting Employment Land and 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 preserves the character and appearance of the Conservation Area within which the property was situated. Furthermore, the proposal would not adversely affect the amenity of nearby residents and would be acceptable in terms of car parking and highway safety and was therefore considered to comply with the policies listed.

Members had concerns regarding the location of the bin store on the flat roof to the rear of the building, and how any refuse collections would be made from this location. Officers advised that no objection had been received from the Waste Management Team. In addition, concerns were raised regarding the safety of the flat roof and the proposed location of any perimeter railing.

The location of the bin store and air source heat pump were also queried, with regard to the Environmental Health risks and members were advised that the relevant department had not been consulted as yet.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that the application should be deferred to allow a site visit and further consultation to take place with Environmental Health.

RESOLVED that application W11/0256 be DEFERRED to allow a site visit to take place, because it would be of benefit to them when determining the application, and for comments to be received from Environmental

Health regarding the proposed location of the bin store and air source heat pump.

43. W11/0257 LB REGENCY BUSINESS CENTRE, 81 WARWICK STREET, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr Savage for internal alterations including the removal of walls and doors and the insertion of new partitions and doors; erection of a bin store and installation of an air source heat pump on the rear flat roof.

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council. In addition, it was being recommended that associated planning permission (W11/0256) be granted subject to the completion of a legal agreement.

An addendum circulated at the meeting detailed further comments made by Royal Leamington Spa Town Council following re-consultation on amended plans.

The case officer considered the following policies to be relevant:

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the 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 preserves the character and appearance of the Conservation Area within which the property was situated. The proposal was therefore considered to comply with the policies listed.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that the application should be deferred because it was connected to the previous application W11/0256.

RESOLVED that application W11/0256 be DEFERRED to allow a site visit to take place, because it would be of benefit to them when determining the application, and for comments to be received from Environmental Health regarding the proposed location of the bin store and air source heat pump.

44. W11/0483 QUARRY FARM, OLD MILVERTON LANE, OLD MILVERTON ROYAL LEAMINGTON SPA

The Committee were advised that the applicant had withdrawn his application and therefore, the item was withdrawn from the agenda.

45. W11/0485 9 CHURCH LANE, BARFORD, WARWICK

The Committee considered an application from Mr P Davis to increase the roof height by 1.5 metres to provide accommodation at the first floor, erection of a single storey rear extension to the kitchen, provision of a balcony to the first floor on the rear election, installation of three solar panels to the south east roof slope and extension of vehicular hardstanding to the front of the property.

The application was presented to the Committee because an objection had been received from Barford, Sherbourne and Wasperton 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)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (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)
Barford Village Design Statement (September 2009)

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

Members felt strongly that this application was contrary to the Barford Village Design Statement, which had been accepted by the Planning Committee as a tool for providing advice and guidance on future development in the village. It was highlighted that residents of the village had worked hard to create a policy that would ensure the preservation of the historical character of their village and that this should be respected.

Members were mindful that the development site was not only located in Zone One of the core area of the village but also in the Conservation Area, which included development from the 1960's and did not complement the street scene.

Following consideration of the report, presentation and addendum, the Committee were of the opinion that the application should be refused for the reasons stated above.

RESOLVED that application W11/0485 be REFUSED because it was contrary to the Barford Village Design Statement, inappropriate development in the Conservation Area and failed to complement the street scene.

46. **W11/0525 LOWERIDGE HOUSE, UPPER LADYES HILLS, LADYES HILLS, KENILWORTH**

The Committee considered an application from Mr A Honess for the erection of screen walls and gates.

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

The Committee had visited the site on 2 July 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:

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

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

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

RESOLVED that application W11/0525 be GRANTED subject to the conditions listed below:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing no. Loweridge 01, and specification contained therein, submitted on 14th April 2011 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with

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

47. W11/0526 CA LOWERIDGE HOUSE, UPPER LADYES HILLS, LADYES HILLS, KENILWORTH

The Committee considered an application from Mr A Honess for the removal of an existing boundary fence and gate to Hawksworth Drive and Tainters Hill.

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

The Committee had visited the site on 2 July 2011 because the Chairman had felt it would be beneficial to the Committee when determining the application.

The case officer considered the following policies to be relevant:

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

It was the case officer's opinion that the proposed demolition did not result in harm to the character or appearance of the Conservation Area and the proposal was considered to comply with the policies listed.

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

RESOLVED that Conservation Area consent for application W11/0526 CA be GRANTED.

48. ENF 433/49/10 LAND ADJACENT TO THE STAG AT OFFCHURCH, WELSH ROAD, OFFCHURCH, ROYAL LEAMINGTON SPA

The Committee considered an application requesting that enforcement action be authorised due to the field being used as parking and stone being laid down.

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)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
Planning Policy Guidance 2 : Green Belts

It was the case officer's opinion that enforcement action should be taken because the change of use and associated operational development had already taken place. Negotiations to resolve the matter were undertaken and as the situation had not been resolved, the service of an Enforcement Notice would ensure that the unauthorised use ceased and the land be restored to its original condition.

Members were agreed that the officers' proposal should be fully supported and recognised that the premises had continued to use the field as a car park despite being refused permission previously. It was agreed that the timescale should not be reduced to ensure that the premises were given time to make alternative arrangements and advise customers accordingly.

Having heard the officer's presentation members agreed that enforcement action should be authorised.

RESOLVED that Officers be authorised to proceed with the service of an Enforcement Notice, directed at the cessation of use of the land as an overflow car park, the permanent removal of all associated operational development including hard surfaced areas and the restoration of the land to its original condition with a compliance period of 3 months.

49. TREE PRESERVATION ORDER SUB COMMITTEE MEMBERSHIP

The Chairman advised the Committee of the need to re-establish a Tree Preservation Order Sub-Committee and requested that nominations be put forward at the next Planning Committee meeting.

Councillor Illingworth highlighted that four members of the main Planning Committee were needed, one from each Political Group and that the sub-committee would meet approximately four times a year. He explained that a site visit usually precluded the meeting so some daytime availability would be required.

RESOLVED that a nomination from each Political Group be put forward at the next meeting.

The Chairman then took the opportunity to remind members of the details of the proposed Planning Summer School due to take place in Swansea from 3rd to 5th September 2011. Councillor Illingworth encouraged all members to consider putting themselves forward for one of the three places available and assured that this would be an interesting and worthwhile course, with the opportunity to interact with members from other authorities.

(Meeting ended 10.00 pm)