Planning Committee

Minutes of the meeting held on Tuesday 1 March 2016 in the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Cooke (Chairman); Councillors Ashford, Boad, Mrs Bunker, Edgington, Mrs Falp, Miss Grainger, Mrs Hill, Mrs Knight, Mrs Stevens and Weed.

Also Present: Committee Services Officer – Mrs Dury; Legal Advisor – Mr Gregory; Planning Team Leader – Mr Sahota; and Senior Planning Officer – Ms Spandley.

171. **Apologies and Substitutes**

Councillor Miss Grainger substituted for Councillor Cain and Councillor Edgington substituted for Councillor Morris.

172. **Declarations of Interest**

Minute Number 175 – W/15/2139 – 113 Radford Road, Royal Leamington Spa

Councillor Miss Grainger left the room at the start of consideration of this item, having realised that she had a prejudicial interest as a member of Royal Leamington Spa Town Council's Planning Committee, which had discussed this application. She returned after the decision had been made.

Councillor Weed declared an interest whilst discussing this application because the application site was in her Ward and she had previously lived nearby.

Minute Number 176 – W/15/2169 – The Castle Pavilion, Castle Road, Kenilworth

Councillors Mrs Bunker and Miss Grainger declared an interest because they knew the applicant.

Councillor Cooke declared an interest because the applicant was a fellow councillor on his Ward.

Councillor Mrs Hill declared an interest because the application site was in her Ward.

Minute Number 177 - W/16/0055 – 10 Clarendon Crescent, Royal Leamington Spa

Councillor Ashford declared an interest because he knew the applicant.

Councillor Miss Grainger declared an interest because the application site was in her Ward.

Minute Number 178 – W/15/1979 – Bethany, Clarendon Place, Royal Leamington Spa

Councillor Miss Grainger declared an interest because the application site was in her Ward.

Minute Number 179 – W/15/1980LB – Bethany, Clarendon Place, Royal Leamington Spa

Councillor Miss Grainger declared an interest because the application site was in her Ward.

173. **Site Visits**

There were no site visits.

174. **Minutes**

The minutes of the meeting held on 2 February 2016 were taken as read and signed by the Chairman as a correct record.

175. **W/15/2139 – 113 Radford Road, Royal Leamington Spa**

The Committee considered an application from Mr Ballinger for the conversion of existing outbuildings into a single dwelling (use Class C3).

The application was presented to Committee because an objection had been received from Royal Leamington Spa Town Council.

The officer was of the opinion that the proposed change of use would be in accordance with Local Plan policies UAP1 and SC8 and was therefore considered to be acceptable in principle. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the area. Furthermore the proposals were considered to be acceptable in terms of car parking and the impact on highway safety and in terms of flood risk. Therefore it was recommended that planning permission was granted.

An addendum circulated at the meeting informed that one of the objectors had submitted a supplementary comment raising concerns about the amenity of the proposed dwelling in terms of light. To improve the situation they pointed out that windows could be provided in the north elevation because these did not overlook existing dwellings.

The following people addressed the Committee:

- Councillor Knight, representing Royal Leamington Spa Town Council, which objected to the application; and
- Mr Simmons, who spoke in support.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Boad and seconded by Councillor Ashford that the application be granted.

The Committee therefore

Resolved that W/15/2139 be **granted** subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1131-0500-02, and specification contained therein, submitted on 17 February 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

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

(4) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be

occupied until the scheme so approved has been implemented.

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

(5) the development hereby permitted shall not be commenced unless and until either:

(a) a scheme showing how 10% of the predicted energy requirement of the dwelling 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; or
(b) a scheme showing how the fabric of the building will be designed to ensure that the dwellings achieve a 10% reduction in energy consumption compared with the minimum requirements of the building regulations at the time the dwelling is converted, has been submitted to and approved in writing by the District Planning Authority.

The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

Reason: To ensure that adequate provision is made for the generation of energy from renewable energy resources or the reduction in energy consumption, in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(6) the development hereby permitted shall be carried out in strict accordance with details of surface and foul water drainage works that shall 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 and to mitigate flood risk, in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011;

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

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

(9) the development hereby permitted shall be undertaken in the presence of a qualified bat worker appointed by the applicant to supervise all destructive works to the roof of the building and associated structures to be affected. All roofing material is to be removed carefully by hand. Appropriate precautions must be taken in case bats are found, such as the erection of at least one bat box on a suitable tree or building. Should evidence of bats be found during this operation, then work must cease immediately while Natural England and WCC Ecological Services are consulted for further advice. Any subsequent recommendations or remedial works will be implemented within the timescales agreed between the bat worker and the Local Authority Ecologist/Natural England. Notwithstanding any requirement for remedial work or otherwise, the qualified bat worker's report shall be submitted to the local planning authority within 1 month following completion of the supervised works to summarise the findings. **Reason:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy DAP3 of the Warwick District Local Plan 1996-2011;

(10) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Part 1 (Classes A, B and E) of Schedule 2 of this Order. **Reason:** That due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no

additional development is carried out without the permission of the local planning authority in accordance with Policies DP1 & DP2 of the Warwick District Local Plan 1996-2011; and

(11) prior to the occupation of the development hereby permitted, the first floor window in the west facing 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 window shall be retained and maintained in that condition at all times. **Reason:** To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

176. **W/15/2169 – The Castle Pavilion, Castle Road, Kenilworth**

The Committee considered an application from Mr Cockburn for the proposed refurbishment of an existing building to form a dwelling.

The application was presented to Committee at the request of Warwick District Councillor, Councillor Shilton.

The officer was of the opinion that the previous refusal reasons /dismissed Appeal decision was not considered to have been overcome and the land associated with the proposed building to be converted was considered to have a detrimental impact upon the openness of the Green Belt and the setting of the Conservation Area, registered park and garden and the Scheduled Ancient Monument of Kenilworth Castle. It was therefore recommended that planning permission was refused.

An addendum circulated at the meeting gave details that one further objection had been received stating that the current application was virtually identical to the previous, which was rejected on appeal. Any change of use would forever change the nature of the area and significantly affect the Castle/rural assets. It raised concern of a precedent being established.

The following people addressed the Committee:

- Councillor Illingworth, representing Kenilworth Town Council, which opposed the application;
- Mr Spencer, representing local residents who opposed the application; and
- Mr Baily and Mr Cockburn, who supported the application.

Following consideration of the report, presentation, information contained in the addendum and the representations made at the meeting, it was proposed by Councillor Ashford and seconded by Councillor Edgington that the application be refused.

The Committee therefore

Resolved that W/15/2169 be **refused** for the following reasons:

(1) the application site is within the Green Belt, wherein the Local Planning Authority is concerned to ensure that the rural character and openness of the area will be retained and protected in accordance with the National Planning Policy Framework (NPPF) 2012.

The proposed change of use of Green Belt land to domestic garden would be inappropriate development, harmful by definition, and would have a significant impact upon the rural character and appearance of this land through the potential encroachment of domestic paraphernalia and visual clutter. The physical appearance of the land could also radically change by the introduction of manicured lawns, flower beds/domestic planting etc. which would be harmful to the existing rural, open, character.

The scheme would therefore fail to preserve the openness, character and appearance of the Green Belt and constitutes inappropriate development conflicting with the aims and objectives of the NPPF and Policy RAP7 of the Warwick District Local Plan 1996-2011. No very special circumstances have been demonstrated and none are considered to exist that outweigh the harm identified; and

(2) Policy DAP8 of the Warwick District Local Plan states development will be required to preserve or enhance the special architectural and historic interest and appearance of Conservation Areas. Policy DAP11 seeks to protect historic structures and the character and setting of historic parks and gardens.

The residential paraphernalia, visual clutter and domestic activities associated with the proposed dwelling would result in harm to the currently open and rural nature of the land surrounding the building, which is considered to be damaging to the character and setting of

the adjoining Scheduled Ancient Monument, Registered Park and Garden and conservation area. The harm, although less than substantial in terms of the NPPF paragraph 134, is still sufficient to warrant refusal as there are no public benefits of the proposal. The scheme is therefore contrary to Policies RAP7, DAP8 and DAP11 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF in seeking to preserve or enhance the historic environment.

177. **W/16/0055 – 10 Clarendon Crescent, Royal Leamington Spa**

The Committee considered an application from Mr Young for a change of use C3 (dwelling house) to three no. bed C4 (House in Multiple Occupation) in which no external or internal works were proposed.

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

The officer was of the opinion that the application was considered to adhere with the criteria set out in the draft Local Plan policy H6 and would be unlikely to lead to an over concentration of HMO's within this area to warrant refusal of the application. Furthermore, the parking requirement would not be increased for the change of use and there would be no adverse or substantial impact on the Conservation Area, street scene or nearby neighbours.

The following people addressed the Committee:

- Mr Lawson, a local resident, who opposed the application; and
- Councillor Gifford, Ward Councillor, who spoke in opposition to the application.

The Senior Planning Officer advised Councillors that if the applicant wished to increase the number of people living at the property above the six allowed under the current proposals for a HMO, type C4, they would need to apply for planning permission. The Legal Advisor also advised that it would not be considered reasonable to make it a condition of planning consent to limit the number of people who could live at the property; the applicant could simply return the building to a residential house which would mean that the Council had no right to stipulate the number of occupants.

Following consideration of the report, presentation, and the representations made at the meeting, it was proposed by Councillor Miss Grainger and seconded by Councillor Ashford that the application for the proposed change of use be granted.

The Committee therefore

Resolved that W/16/0055 for a change of use from a Class C3 three bed single dwelling house to a Class

C4 House in Multiple Occupation be **granted** subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawings and specification contained therein, submitted on 14 January 2016. **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.

178. **W/15/1979 – Bethany, Clarendon Place, Royal Leamington Spa**

The Committee considered an application from Sammi Developments Limited and Bethany Guild Limited for the conversion of a former care home building to form eight apartments, internal and external works to a listed building and erection of a detached garden house following demolition of three garages.

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

The officer was of the opinion that a conversion to residential and the erection of a new build dwelling would be acceptable in principle in this location. The proposals would have an acceptable impact on the living conditions of neighbouring dwellings and on the character and appearance of the listed building and the conservation area. Furthermore the proposals would have an acceptable impact on trees and on car parking and highway safety. Therefore it was recommended that planning permission was granted.

Following consideration of the report and presentation, it was proposed by Councillor Mrs Bunker and seconded by Councillor Weed that the application be granted.

The Committee therefore

Resolved that W/15/1979 be **granted** subject to the following conditions:

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

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 420.201.03, 420.202.02, 420.203.02, 420.204.05, 420.205.02, 420.206.01, 420.211.01, 420.212.02 & 420.213.01, and specification contained therein, submitted on 27 January 2016 & 1 February 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy SC13 of the Warwick District Local Plan 1996-2011:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented.

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

(4) the development hereby permitted shall not be commenced unless and until a scheme showing how either a). at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b). a scheme showing how at least 10% of the energy demand of the development and its CO^2 emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with

manufacturer's specifications. **Reason:** To ensure that adequate provision is made for the generation of energy from renewable energy resources or to achieve carbon savings in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;

(5) 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 walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing. The hard landscaping works shall be completed in strict accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in strict 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;

(6) 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), eaves, verges, rainwater goods, roof lights and the portico at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in strict

accordance with such approved details.
Reason: For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building and within the Conservation Area, and to satisfy Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011;

(7) no development shall be carried out on the site which is the subject of this permission until:

(a) details of the location of all remaining internal cornicing within the existing buildings; and
(b) details of the location and design of all cornicing to be reinstated and retained;

have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

Reason: For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

(8) no development shall be carried out on the site which is the subject of this permission until the following details have been submitted to and approved in writing by the local planning authority:

(a) details of all new internal partitions, including details of how partitions within historic rooms will be set down below the height of the room and any historic features within the room;
(b) details of all new staircases and any alterations to existing staircases; and
(c) details of any changes to historic doors, cornices, skirting boards and string courses.

The development shall not be carried out otherwise than in strict accordance with such approved details.

Reason: For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

(9) no development shall commence unless and until details of the bridge link between the ground floor and the rear garden have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **Reason:** To ensure an appropriate standard of design and appearance for this Listed Building, in accordance with Policy DAP4 of the Warwick District Local Plan;

(10) samples of all external facing and surfacing 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 strict 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;

(11) detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in strict accordance with the details so approved. **Reason:** To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

(12) the development hereby permitted shall not be brought into use until all parts of existing accesses to the site, not included in the proposed means of access, have been permanently closed and the kerb and footway 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;

(13) no development or other operations (including demolition, site clearance or other preparatory works) shall be commenced unless and until adequate steps, which shall have been

previously approved in writing by the local planning authority, have been taken to safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837 – 2012 Trees in Relation to Design, Demolition & Construction) to all tree(s) to be retained on the site, or those tree(s) whose root structure may extend within the site. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree(s); no equipment, machinery or structure shall be attached to or supported by any retained tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area, or any other works be carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **Reason:** To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;

(14) none of the dwellings hereby permitted shall be occupied unless and until 2 replacement highway trees have been planted in accordance with details that shall have been submitted to and approved in writing by the local planning authority. All tree(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces). If within a period of five years from the date of planting the tree(s) (or any other tree(s) planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree(s) of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree(s), or in accordance with any variation for which the local planning authority give their

written consent. **Reason:** In the interests of the visual amenities and natural environment of the locality in accordance with Policies DP3 of the Warwick District Local Plan 1996-2011;

(15) the existing tree(s) indicated to be retained in the Arboricultural Report Ref. 15037 by Sylva Consultancy (dated 7 May 2015) shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the local planning authority. Any tree(s) or shrub(s) removed without such consent or dying, or being severely damaged or diseased or becomes, in the opinion of the local planning authority, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s) and shrub(s) of such size and species details of which must be submitted to and approved by the local planning authority. All 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 (excluding hard surfaces). **Reason:** To protect those trees and shrubs which are of significant amenity value and which 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 DP3 of the Warwick District Local Plan 1996-2011;

(16) the car parks 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 car parks shall be retained for the purposes of parking for 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;

(17) none of the apartments hereby permitted shall be occupied unless and until a cycle store has been provided in accordance with details that shall have been submitted to and approved in writing by the local planning authority. The cycle store shall remain available for use at all times thereafter. **Reason:** In the interests of encouraging the use of alternative modes of

transport with the aim of creating a more sustainable development in accordance with Policies SC4 & DP8 of the Warwick District Local Plan 1996-2011;

(18) none of the dwellings hereby permitted shall be occupied until the refuse and recycling stores have been constructed in strict accordance with the approved plans. **Reason:** To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(19) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Part 1 (Classes A, B or E) of Schedule 2 of this Order. **Reason:** The site contains a Listed Building and is situated within the Leamington Spa Conservation Area. It is considered appropriate therefore to retain control over future development to preserve the character and appearance of the Listed Building and the Conservation Area, in accordance with the provisions of Policies DAP4 and DAP8 of the Warwick District Local Plan 1996-2011;

(20) none of the dwellings hereby permitted shall be occupied unless and until the existing vehicular accesses to the site from the public highway have been remodelled in accordance with a scheme that shall have been approved in writing by the local planning authority. **Reason:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and

(21) the barrel-vaulted ceilings in the basement and in the retained cellars shall not be altered in any way and shall not be obscured by any form of covering. **Reason:** For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

179. **W/15/1980LB – Bethany, Clarendon Place, Royal Leamington Spa**

The Committee considered an application from Sammi Developments Limited and Bethany Guild Limited for internal and external works associated with a conversion into eight apartments. This application was considered in conjunction with application W/15/1979.

The application was presented to Committee because of the number of objections that had been received in relation to the associated planning application.

The officer was of the opinion that the proposals would preserve the character and appearance of the listed building and the conservation area. Therefore it was recommended that listed building consent was granted.

Following consideration of the report and presentation it was proposed by Councillor Mrs Bunker and seconded by Councillor Ashford that the application be granted.

The Committee therefore

Resolved that W/15/1980LB be **granted** subject to the following conditions:

(1) the works hereby permitted shall begin not later than 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);

(2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 420.201.03, 420.202.02, 420.203.02, 420.204.05, 420.205.02, 420.206.01, 420.211.01, 420.212.02 & 420.213.01, and specification contained therein, submitted on 27 January 2016 & 1 February 2016. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

(3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges, rainwater goods, roof lights and the portico at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in strict

accordance with such approved details.
Reason: For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building and within the Conservation Area, and to satisfy Policies DAP4 and DAP8 of 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:

(a) details of the location of all remaining internal cornicing within the existing buildings; and
(b) details of the location and design of all cornicing to be reinstated and retained;

have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details.

Reason: For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

(5) no development shall be carried out on the site which is the subject of this permission until the following details have been submitted to and approved in writing by the local planning authority:

(a) details of all new internal partitions, including details of how partitions within historic rooms will be set down below the height of the room and any historic features within the room;
(b) details of all new staircases and any alterations to existing staircases; and
(c) details of any changes to historic doors, cornices, skirting boards and string courses.

The development shall not be carried out otherwise than in strict accordance with such approved details.

Reason: For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

(6) no development shall commence unless and until details of the bridge link between the ground floor and the rear garden have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details. **Reason:** To ensure an appropriate standard of design and appearance for this Listed Building, in accordance with Policy DAP4 of the Warwick District Local Plan;

(7) samples of all external facing and surfacing 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 strict 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; and

(8) the barrel-vaulted ceilings in the basement and in the retained cellars shall not be altered in any way and shall not be obscured by any form of covering. **Reason:** For the avoidance of doubt, and to ensure an appropriate standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

180. **TPO 495 – Land at Ambassador Court, Kenilworth Road, Royal Leamington Spa**

The Committee considered a report that sought confirmation of a provisional Tree Preservation Order relating to one Willow Tree (T1) and one Beech Tree (T2).

The Tree Preservation Order (TPO) was presented to Committee because an objection had been received against the Order being confirmed.

The officer was of the opinion that it was not considered that the issues raised in the objection to the TPO were sufficient to outweigh the significant amenity contribution which the trees made to their surrounding area.

An addendum circulated at the meeting stated that a further email had been submitted to Members by the same resident whose previous comments were summarised in the Committee Report. The comments acknowledged the amenity value of the trees but reiterated the concerns with regard to potential damage at some point in the future to the sewage system and or the building from the roots of the trees. The issue of pigeon droppings on cars in the car park was also raised again.

Councillors were assured that a TPO did not preclude tree maintenance works and if the tree was an immediate danger, works could be carried out without seeking consent providing that proof could later be supplied to show that there had been good reason to consider the tree was an immediate danger.

Following consideration of the report, presentation and the information contained in the addendum, it was proposed by Councillor Mrs Falp and seconded by Councillor Ashford that the confirmation of the provisional TPO was approved.

Resolved that officers be authorised to confirm TPO 495 without modification.

181. **Planning Appeals Report**

The Committee received a report, circulated at the meeting that outlined the current enforcement matters and appeals.

Resolved that the report be noted.

(The meeting ended at 7.20 pm)