PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 5 February 2013 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

Councillor Mrs Higgins substituted for Councillor Cross and Councillor Williams substituted for Councillor Rhead.

Apologies for absence were received from Councillor Ms De-Lara-Bond.

175. **DECLARATIONS OF INTEREST**

Minute Number 180 – W12/1610 LB – 15 St Nicholas Church Street, Warwick

Councillors Mrs Higgins and Wilkinson declared personal interests because the applicant was known to them and they left the room whilst the item was discussed.

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

Minute Number 181 – W12/1570 – Old Barn, Longbridge, Barford Road, Warwick

Councillor Mrs Higgins declared that she was a Ward Councillor for the site in question during the course of the meeting.

176. **SITE VISITS**

The Chairman advised that there had not been any site visits made in relation to the applications due to be discussed.

177. **W12/1196 – MEADOW HILL FARM, LAPWORTH STREET, BUSHWOOD, LOWSONFORD**

The Committee considered an application from Mr Wood for retrospective changes to the elevations on single storey extension.

Due to the complicated nature of the application, the report outlined the planning history of the site which included an application for change of use in 2008, an application for a new brick skin to the front elevation in 2009 and a Lawful Development Certificate for a garage for three cars in August 2012.

The applicant commenced both the 2008 and 2009 permission concurrently for the two storey rear extension, the conversion and the brick skin, with significant alterations to the buildings and this meant that neither of the permissions relate to the approved drawings. The changes relevant to this

application were outlined fully in the report and explained in detail by the officer.

The issue with regards to the timing of the implementation of the 2008 and 2009 planning permissions was a technical matter, along with several minor works. However, the unauthorised works to the outbuildings were considered unacceptable because they resulted in a very domesticated appearance to the existing outbuilding.

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

The 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)
RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)
National Planning Policy Framework

It was the officer's opinion that the changes to the outbuildings created an appearance, which had radically altered the former agricultural buildings visual composition, by introducing overly domesticated features. These had created a visually incongruous structure within the landscape, bearing little or no resemblance to an agricultural building and thus defeated the aims of re-using rural buildings contrary to Policy RAP7 of the Warwick District Local Plan 1996-2011 and the aims of the National Planning Policy Framework (NPPF) to ensure that conversions preserved the openness of the Green Belt and did not conflict with the purposes of including land in Green Belt.

The applicant, Mr Winn addressed Members and advised that as a Conservation Architect he had worked on a number of similar developments and highlighted a couple of anomalies in the report. He stated that they had been advised that the brick skin did not need permission for the rear of the property, only the front. In addition, Mr Winn felt that the large windows to the rear of the property added 'solar gain' to the dwelling and requested that Members defer their decision for a site visit to appreciate the design of the property.

A supporter for the application, Mr Fleetwood addressed the Committee and stated that as a Chartered Town Planner he did not feel that the scheme conflicted with the NPPF. He also made reference to irregularities in the report and reminded Members that originally officers had felt the building was not worth retaining. He also requested that the Committee attend a site visit.

Following consideration of the report and presentation, along with the representations made at the meeting, the Committee was of the opinion that the application should be deferred to allow a site visit to take place.

RESOLVED that application W12/1196 be DEFERRED for a site visit.

178. **NOMINATIONS TO MEMBER POLICY REVIEW GROUP**

At Council in October 2012 it was agreed that a Member Policy Review Group be established to work with officers to review planning policies as they were introduced.

The Group would be made up of one member from each political group and two members of the Planning Committee.

It was proposed that Councillors Illingworth and MacKay be appointed to the group.

RESOLVED that Councillors Illingworth and MacKay be proposed as representatives on the Member Policy Review Group.

179. **W12/1438 – LAND AT KITES NEST LANE, BEAUSALE**

The Committee considered an application from Kites Nest Lane Gypsy Community Group for a partly retrospective change of use of land, formerly used for agriculture and the keeping of horses. The request was to change use to a gypsy / traveller site (eight pitches) and associated restoration, landscaping and enhancement works outside the site area denoted by the red line boundary.

The application was being presented to Committee because it raised issues which the Head of Service considered ought to be assessed with Member engagement.

The officer considered the following policies to be relevant:

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
RAP10 - Safeguarding Rural Roads (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (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)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

It was the officer's opinion that the proposals constituted inappropriate development within the Green Belt as set out in the National Planning

Policy Framework and so was harmful by definition. There would also be encroachment and harm to the openness of this part of the Green Belt resulting from both the change of use and erection of buildings inherent with a gypsy caravan site. This together with the significant harm to the character and appearance of Arden Regional Character Area and component Ancient Arden and Arden Parklands landscape type as defined by the Warwickshire Landscape Guidelines amounted to substantial other harm which could not satisfactorily be mitigated by the proposed concept landscaping scheme

On the other side of the balancing exercise it was accepted that there was a quantified and unmet need for permanent gypsy and traveller pitches in Warwick District, contrary to national policy, and that some of the personal circumstances of some of the applicants needed to be given some weight. However, it was appropriate to allow the emerging Warwick District Local Plan process to run its course since there was a likelihood that this need could be met either on sites outside the Green Belt or if necessary less attractive sites within the Green Belt.

It was considered that such factors did not amount to very special circumstances that clearly outweighed the policy presumption against the identified harm to the Green Belt and, therefore, the recommendation was to refuse the application.

An addendum was circulated at the meeting which advised of two typographical errors along with a summary of a further twenty objections and comments from Friends of the Green Belt and Hatton Parish Council.

Councillor Mrs Gallagher addressed the Committee in her capacity as Ward Councillor and was representing the views of the Parish Council, 120 residents, local MP's and their constituents. She advised that this application was no different from the previous one received because the number of sites had never been the issue for objection and even a small number of pitches would be unacceptable. She stated that the site was still in the Green Belt, still in a flood area and was therefore still inappropriate development.

Councillor Mrs Gallagher felt that retaining the openness of the Green Belt was paramount and that landscaping was not acceptable mitigation. She referred to Paragraphs 87 and 88 of the NPPF and did not feel that 'very special circumstances' had been evidenced. She advised Members that this was not a 'brown field site' and had been an area used for many years for grazing horses.

She reminded the Committee that this site had a three year history, including a seven day full inquiry, a failure to comply with Court proceedings and would be progressing to the High Court in March 2013. She urged Members to refuse the application for all the reasons stated in the officer's report.

Councillor MacKay spoke and made reference to the recent email received from the applicants' representative, Carruthers legal advisers. He supported the officer's view that this was inappropriate development in the

Green Belt and could cause harm to the character and appearance of the area.

Councillor MacKay felt it would be inappropriate to grant permanent or temporary permission because this would pre-empt any long term decisions due to be made within the Local Plan. He therefore proposed refusal of the application in line with the officer's recommendation. This was seconded by Councillor Mrs Bromley.

Councillor Mrs Blacklock addressed the Committee, as one of the Members that had been a Committee Member during the previous application and had attended site visits to the application site. She felt that things had moved on at the site and was encouraged that the applicants were using the planning system effectively and legally. She reminded Members that the application was different due to the reduction in the number of pitches and this, combined with the reduction in utility blocks, would have less physical impact. She referred to the children living on the site who had enrolled in local schools and were attending happily.

Councillor Mrs Blacklock reminded Members that no progress had been made in finding suitable alternative sites and this lack of sites outweighed the location in the Green Belt.

In response, the Head of Development Services accepted that there was a need to find permanent and temporary sites for gypsy and traveller communities. She advised that the Council were looking at green field sites first but if this option was not forthcoming, Members might have to look at further developing the Green Belt. However, she reminded the Committee that the visual impact of this application was important and just screening it was not acceptable. If the site could not be seen it did not make its location in the Green Belt any more acceptable.

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

RESOLVED that W12/1438 be REFUSED for the following reasons:

1) the site constituted inappropriate development within the Green Belt as set out in the National Planning Policy Framework and was harmful by definition;

2) was harmful due to the encroachment and harm to the openness of this part of the Green Belt resulting from both the change of use and erection of buildings inherent with a gypsy caravan site; and

3) would result in significant harm to the character and appearance of Arden Regional Character Area and component Ancient Arden and Arden

Parklands landscape type as defined by the Warwickshire Landscape Guidelines, which amounted to substantial other harm which could not satisfactorily be mitigated by the proposed concept landscaping scheme.

180. **W12/1610 LB – 15 ST NICHOLAS CHURCH STREET, WARWICK**

The Committee considered an application from Ms Fowler for the retention of re-painting of the front elevation and this was presented to the Committee to request that enforcement action be taken.

An objection had been received from Warwick Town Council who objected on the grounds that the current colour was not acceptable and it would prefer the colour to be one of those preferred by the Local Planning Authority i.e. off-white, cream and light greys.

Conversely, eight letters of support had been received which stated that the colour enhanced the street, added interest and showed that the owner was taking care of her property.

The officer considered the following policies to be relevant:

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

It was the officer's opinion that Policy DAP4 of the Warwick District Local Plan 1996-2011 stated that consent would not be granted to alter or extend a listed building where those works would adversely affect its special character or historic interest, integrity or setting. Policy DAP7 stated that alterations to Listed Buildings would only be permitted using (inter alia) appropriate colours. Furthermore, policy DAP 8 of the Warwick District Local Plan 1996-2011 required that development preserve or enhance the special architectural and historic interest and appearance of the District's Conservation Areas.

This proposal related to a Listed Building within a Conservation Area. The use of bright colours was not characteristic within Warwick District and in the opinion of the Local Planning Authority it was considered that the repainting of the front elevation in pink was seriously detrimental to the character and appearance of both the Listed Building itself and the Conservation Area as a whole, by reason of the use of an inappropriate colour on the prominent front elevation of the Listed Building.

The development was thereby considered to be contrary to the aforementioned policies.

An addendum was circulated at the meeting which advised that a further letter of support had been received from a resident of Priory Walk, Warwick.

The applicant, Ms Fowler, addressed the Committee and stated that until recently her property had been painted in a light blue colour. She had been a resident in the street for a long time and felt that, contrary to the officer's report, the street was a mixture of building styles from Tudor to late twentieth century. She had researched that pink had actually been a popular colour in Tudor times and reminded the Committee that the colour would fade over time and become dirty very quickly with exhaust fumes. She described her cottage as being often dwarfed by huge 4x4 vehicles parked outside and made reference to the many letters of support received not only from neighbours but passing tourists as well.

Members were concerned that officers were being over zealous with this application and were surprised at the lack of comment from the Warwick District Conservation Area Advisory Forum. Some Members could sympathise that officers were working to the Council's policy and raised concerns that allowing this colour could lead to a precedent being set.

The Members discussed the range in colours of other properties in the street and did not feel that this was detracting and reflected the charming style of the cottage.

Councillor MacKay stated that he understood the policy but weight needed to be given to Ms Fowler's excellent contribution to the debate.

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

RESOLVED that application W12/1610 LB be GRANTED.

181. W12/1570 – OLD BARN, LONGBRIDGE, BARFORD ROAD, WARWICK

The Committee considered a retrospective application from Mr Ashaw for the change of use from open agricultural storage barn to secure storage unit (use class B8), the installation of exterior cladding to barn and the erection of a private mobile equestrian stable within the building.

This application was presented to the Committee because an objection had been received from Barford, Sherbourne and Wasperton Parish Council which had concerns regarding the character and appearance of the area, parking provisions, access and highway safety.

The 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)

RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)
RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
National Planning Policy Framework

It was the officer's opinion that the building proposed for conversion was of permanent construction and the proposed use could be accommodated without inappropriate alteration to the external appearance of the building. It was considered that no increased hazard to highway users would result from the development and the proposal was therefore considered to comply with the policies listed.

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

RESOLVED that W12/1570 be GRANTED subject to the following condition:

(1) 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 Local Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the Local Planning Authority. **REASON:** In the interests of fire safety.

182. **W12/1585 – 47 EDEN CROFT, KENILWORTH**

The Committee considered an application from Mr and Mrs Peaston for the erection of a single storey side and rear extension.

This application was presented to the Committee because comments had been received from Kenilworth Town Council. It felt there was a breach of the 45 degree guidance as well as overlooking from the rear dormer window. The Town Council had deferred the item at its meeting and no further comments had been received prior to publication of the report.

The officer considered the following policies to be relevant:

The 45 Degree Guideline (Supplementary Planning Guidance)
National Planning Policy Framework
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the officer's opinion that the proposal was considered to be of an appropriate design and scale for the location, would have an acceptable level of impact on the neighbouring properties and was therefore in accordance with all of the relevant planning policies.

An addendum was circulated at the meeting which advised that Kenilworth Town Council had formerly submitted its objection which reiterated the comments made previously.

Members were shown drawings, submitted by the applicant, outlining what would be allowed to build under permitted development rights. The drawings highlighted that this option could be potentially worse for the neighbours than the proposed extension.

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

RESOLVED that W12/1585 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 drawings 110 P3, 300 P3, and specification contained therein, submitted on 14/12/2012 and 24/1/2012. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

(3) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with

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

183. **ENF 257/25/12 – 13-17 KENILWORTH STREET, ROYAL LEAMINGTON SPA**

The Committee considered a report regarding land at Warwick Street and Kenilworth Street, Royal Leamington Spa where the unauthorised erection of a four storey extension to house, lift shaft and staircase had occurred.

This application was presented to the Committee to request that enforcement action be authorised.

It was understood that the unauthorised extension had been constructed as part of the redevelopment of 118 – 120 Warwick Street at one and two floors for student accommodation including the addition of a partial second floor for that use. However, that redevelopment scheme approved under application reference W/10/0097 had not included the unauthorised extension which was the subject of this report.

The original permission W10/1370, granted in April 2012 had included a condition that the unauthorised extension be modified by reducing its height by one storey.

Shortly after that grant of planning permission, a further revised application was submitted proposing a four storey building at 13-17 Kenilworth Street including the retention of the immediately adjacent unauthorised extension as constructed. Planning permission for that development was refused in July 2012 because of the design of the proposed additional fourth storey and the impact of this on the character and appearance of the Conservation Area. That decision was now the subject of a current planning appeal.

The officer considered the following policies to be relevant:

DP1 - Layout and Design;
DAP8 - Protection of Conservation Areas;
DAP9 - Unlisted Buildings in Conservation Areas
National Planning Policy Framework

It was the officer's opinion that the unauthorised extension, by reason of its design, height and positioning, comprised an incongruous addition to this redeveloped site which was visually prominent in the surrounding area.

For that reason, it was considered to be detrimental to the character and appearance of the Conservation Area in which it was located and to the visual amenities of the surrounding area such that it was expedient for enforcement action to be taken.

Notwithstanding the current appeal against the refusal of planning permission for the development including the retention of the unauthorised structure, in view of the period of time over which it had been in place and in view of the absence of the voluntary resolution of this matter, it was considered appropriate to seek to resolve this matter by means of serving an Enforcement Notice.

Members were reminded that some of them had attended site visits to the location previously, when the applicant had first applied to build the student accommodation. The photographs in the presentation highlighted the prominence of the four storey lift shaft from a number of different angles.

Members asked for clarification on the impending appeal and were advised that if the applicant was successful, and the additional fourth storey was built, it may shield the lift shaft. However, there was no guarantee that the developer would continue with the course of action and the fourth storey might never be built.

In response to a query from Councillor Wilkinson, Members were assured that dialogue had been on-going with the applicant but they had proceeded to build the lift shaft without permission.

Following consideration of the report and presentation, along with the representations made at the meeting and the information contained within the addendum, the Committee was of the opinion that enforcement action should be authorised as per the officer's recommendation.

RESOLVED that enforcement action ENF 257/25/12 be AUTHORISED for the permanent removal of the unauthorised structure with a compliance period of 6 months.

(The meeting ended at 20.55 pm)