

THE TOWN COUNCIL
OF
ROYAL LEAMINGTON SPA
TOWN HALL, PARADE,
ROYAL LEAMINGTON SPA
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Clerk to the Town Council

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11 October 2012

Dear Councillor

PLANNING COMMITTEE –THURSDAY 18 OCTOBER 2012

You are invited to attend a Meeting of the Planning Committee in ROOM 11, at the **TOWN HALL, ROYAL LEAMINGTON SPA**, commencing at **6.30 p.m.** on **THURSDAY 18 OCTOBER 2012**

Yours faithfully,

CLERK TO THE TOWN COUNCIL

To: Councillors B Gifford, B Gill, J. Knight, S Lytton, A Morrison, A Stevens

(All other Members of the Town Council – Agenda for information only, via website)

Full set to Councillor R Copping (for information)

MEMBERS ARE INVITED TO DECLARE ANY INTEREST THEY MAY HAVE IN ITEMS IDENTIFIED FOR DISCUSSION AT THE MEETING

AGENDA

1. Apologies
2. Declarations of Interest and Requirements for Dispensations
3. Public Forum

To receive any representation from Members of the Public in accordance with Standing Order No. 36.

4. Planning Applications: W/12/1004 and W/12/1206 LB (York Road Centre – formerly the Old Library, Avenue Road)

To consider a report on Planning Application W/12/1004 (Report No. 4) and Planning Application W12/1206 LB

5. Minutes

To approve and sign the Minutes of the Meeting of the Planning Committee held on 27 September 2012 (Report No 5)

6. Planning Applications

To consider a schedule of planning applications received from the Planning Authority (Report No 6)

7. Determination of Planning Applications

To note Applications determined by the Planning Authority since the last Meeting (Report No. 7)

8. Planning Appeal Notifications

To note Planning Appeal Notifications below:

Appeal by: Mr B Patel

Site: 49 Russell Terrace, Leamington Spa, CV31 1HE

Proposed Development: change of use from dwelling house to HMO and three storey side extension.

Reason: Refusal of planning permission.

Appeal by: Mr G S Lotta

Site: 23 Southlea Avenue, Leamington Spa, CV31 3JN

Proposed development: Roof alterations including the erection of a rear dormer window (Retrospective application)

Reason: Refusal of planning permission.

9. Enforcement Appeal Notification

To note Enforcement Appeal Notification below:

Appeal by: Paperchase products Ltd.

Site: 36 Parade, Leamington Spa, CV32 4DN

Breach: Installation of stainless steel fascia advertisement lettering at the front elevation of the building above the shop window.

10. Planning Appeal Decisions

To note Appeal Decisions received since last meeting (if any)

11. Tree Preservation Order Notifications

To note Tree Preservation Order Notifications received since the last meeting (if any)

12. Review of Electronic Processes

To consider and review the electronic processes by which Planning Applications are distributed.

**REPORT TO A MEETING OF THE PLANNING COMMITTEE TO BE HELD ON 18TH
OCTOBER 2012**

**PLANNING APPLICATION W/12/1004 THE EXCLUSIVE PROPERTIES LTD
CONVERSION OF FORMER LIBRARY INTO 28 RESIDENTIAL APARTMENTS,
INCLUDING EXTENSIONS/ALTERATIONS TO BUILDING AND ASSOCIATED PARKING
AND LANDSCAPING. YORK ROAD CENTRE, FORMERLY THE OLD LIBRARY,
AVENUE ROAD.**

**W/12/1206/LB ALTERATIONS AND EXTENSIONS ASSOCIATED WITH THE
CONVERSION OF A GRADE II LISTED FORMER LIBRARY BUILDING INTO 28
APARTMENTS. YORK ROAD CENTRE, FORMERLY THE OLD LIBRARY, AVENUE
ROAD, LEAMINGTON SPA, CV31 3PR**

1. **PURPOSE OF THE REPORT**

To consider planning applications submitted for the re-development of the former Library building at Avenue Road.

2. **BACKGROUND**

- 2.1 At the meeting of the Planning Committee held on 5th September 2012, consideration was given to planning application W/12/1004 and the following resolution approved:

RESOLVED that no objection is raised to the application but the following comment is made:

Disappointment was expressed that there was no provision for affordable housing.

- 2.2 Subsequent to the submission of the above response to the District Council, a representation was made by an objector – Ms Liz Drake- to the meeting held on the 27th September that the Committee had failed to take account of certain key planning policies which were relevant to the application and which were omitted from the policy constraints listed by the District Council on its website. After further discussion, the Planning Committee resolved that application W12/1004 is reconsidered at the meeting on 18th October together with a report containing the principal points of the objector, the response of the Planning Officer and relevant Policy constraints including Policy SC8.

- 2.3 This report provides the Committee with the additional information requested. In addition since the last meeting the application for listed building consent has now been submitted and is tabled for consideration at this meeting.

3. **PLANNING HISTORY**

- 3.1 The buildings that occupy the site at Avenue Road have a long and varied history having been used for the purpose of an educational establishment by various schools prior to their relocation before subsequently being absorbed into the portfolio of Warwickshire College. The building became redundant for this use when the College

occupied new premises at Warwick New Road and the District Library and Art Gallery and Museum relocated to the Royal Pump Rooms in the 1990's. Since that time the former library element of the building has remained largely redundant with the exception of its recent use by Bath Place Community Venture as a base for a variety of community and recreational purposes. This use has been a temporary arrangement based on a lease extended by the College.

- 3.2 In November 2007, an application was submitted for conversion of the existing listed buildings to form a mixed use development to include offices (B1 Use Class) restaurant/Bar (A3 Use Class) and 6 Residential units. The application was approved by Warwick District Council on the 31st January 2008. This planning permission has however never been implemented and has now expired. The lawful use of the building therefore remains D1 use - Non-residential institutions.
- 3.3 The application to approve the change of use of the building and for the construction of 28 dwelling units and associated parking and landscaping is now accompanied by the application for Listed Building Consent W/12/1206/LB which is being considered by the Planning Committee of this Council for the first time. Full details of the application are available to view on the District Council website.

4. KEY ISSUES

- 4.1 The Committee has agreed to consider the objection raised by Ms Drake at the last meeting in order to assess whether in arriving at its previous decision to raise no objection to the application there were valid planning reasons which it should have taken into account.
- 4.2 The objections submitted by Ms Drake are included in full as an Appendix to this Report. Prior to dealing with those that are relevant to this Council's considerations, it is important to note that the role of the Planning Committee of this Council is that of a consultee in the planning process. This is quite distinct from the role placed upon the determining Authority – Warwick District Council. Thus a response from the Town Council to the District Planning Authority cannot be held invalid on the basis that the Town Council did not give due consideration to specific policies within the local development Plan. The consideration required of National Planning Policy Guidance and the relative weighting given to equally valid Planning Policies is a matter for consideration by the Planning Authority.
- 4.3 Ms Drake's principal objection is that approval of the application will result in the loss of a community facility without a viable equivalent or better replacement being an option. The National Planning Policy Framework requires planning applications "to be determined" in accordance with the development plan (Local Plan). The key policy in relation to community facilities in the current District Local Plan is Policy SC8 which states as follows:-

"Redevelopment or change of use of community facilities that serve local needs will not be permitted unless:-

- a) there are other similar facilities accessible to the local community by means other than the car; and either
- b) the facility is redundant and no other user is willing to acquire and manage it; or
- c) there is an assessment demonstrating a lack of need for the facility within the local community.

It is important that existing community facilities serving local needs are protected and that additional new facilities should be properly located. This can, however, raise problems with adjacent uses, particularly where the community facilities are located within predominantly residential areas. The historic fabric of the District's towns also can cause problems where the use may not be compatible with the character of the building or area. The council will support proposals to enhance the quality of existing facilities which meet a local need.

Government policy supports the principle of locating day to day facilities which need to be near their clients in local and rural service centres and in locations likely to be accessible without the use of a car.

For the purposes of these policies, the reference to community facilities includes a wide range of uses within Use Class D1 such as places of worship, dental and medical surgeries, community halls, local education facilities, crèches and nurseries for the care of children. In exceptional circumstances, the Council may apply this policy to other facilities that meet a community need where the grant of permission would result in a demonstrable shortfall in the locality. In identifying sites a sequential approach should be adopted through which all potential town centre options should be thoroughly assessed before less central sites are considered. First preference should be given to town centre locations, followed by sites adjacent to the town centre then within or adjacent to local shopping centres. Within rural areas community uses should be located within the Limited Growth Villages identified in policy RAP1 where they can most greatly benefit from proximity to each other and other uses. It is recognised, however, that many community facilities serve very local populations and these should, where possible, be allowed to locate close to the population they serve. Where such uses are proposed the Council will expect the applicant to demonstrate that the use meets a local need which cannot be otherwise met in a centre.

In recent years, the Council has received many applications for the conversion of individual properties to uses such as dentists and nurseries. In such cases the Council will require the applicant to demonstrate that the proposed use will not detract from the character of the area or affect the amenity of local residents in accordance with other policies of this Plan.

For the redevelopment or change of use of community facilities when demonstrating need the applicant will be required to provide evidence to prove that the facility has been actively marketed for a community use for at least a period of twelve months".

- 4.4 The Committee will be aware that the previous application granted permission for residential development on this site was recommended for approval by the Planning Officer notwithstanding the apparent conflict with this Policy. In correspondence with the Town Council, the following advice has been obtained:-

“Planning permission was granted (W/07/1883) by Planning Committee in February 2008 for ‘Conversion of existing listed buildings to form a mixed-use development to include offices (B1 Use Class), restaurant/ bar (A3 Use Class) and no.6 residential units’. The Committee Report for that application addresses the issue of the loss of a community facility (as required by Policy SC8 of the Local Plan) by the inclusion of the following paragraph:

“ With regard to the former art gallery component of the scheme, I am clearly aware of the objections raised to what is perceived as a loss of a community facility. It has to be recognised, however, that the former art gallery was relocated to a new site in the Pump Rooms as part of the comprehensive refurbishment of that building. This building was then left vacant and pending its sale, the District Council did allow a number of community groups to use it on a temporary basis. Given this background, with a 'new' replacement art gallery now being operational, I do not consider that a refusal of planning permission based on the alleged 'loss' of a community facility could be sustained. Again, given the fact that the lawful use of this property falls within a non-residential use, Class 'D1', I consider that in land use policy terms, the proposed restaurant use would be acceptable”.

This planning permission was never implemented and has now expired. The building has been occupied for the last few years by community uses including an Art Gallery. The property was vacated last week. The lawful use of the building is a D1 use.

The proposed development would be contrary to Policy SC8. However, the view of the Planning Department is that it would be unreasonable to take a different approach to that which was taken in the determination of the previous application. **However, this does not preclude the Town Council from raising an objection on the grounds of the loss of a community facility contrary to Policy SC8 of the Local Plan”.**

- 4.5 Whilst the Library site remained vacant for a considerable number of years prior to the re-location of Bath Place Community Venture, the Committee is able to consider raising an objection to the loss of this facility based on the policy constraint SC8.
- 4.6 With regard to the requirement that the applicant is required to demonstrate that the site has been actively marketed for a community use for a period of at least 12 months, it is unclear from the submissions made to the Planning Authority as to the extent to which the applicant has complied with this requirement.
- 4.7 There are a number of other Policy constraints, primarily relating to the change of use of a listed building and its consequent alteration, all of which can be referred to via the District Council website <http://planningdocuments.warwickdc.gov.uk/online->

- 4.8 With regard to the requirement concerning the provision of social housing, Members will be aware that it is a policy within the Local Plan to ensure a mix in terms of the type of housing and affordability of housing. The policy states a minimum of 40% affordable housing to meet local needs within towns on sites of 10 or more dwellings or 0.25 hectare or more in area irrespective of the number of dwellings.

In the majority of cases, the Council will require that affordable housing is provided on-site as an integral part of the development. There may, however, be instances where the Council will accept commuted sums in lieu of new homes provided on-site. This may, for example, occur where the objectives of the Council's Housing Strategy for maximising affordable housing in the most appropriate locations can best be secured through seeking a financial contribution from one site to provide affordable housing in another location. Furthermore, there may also be individual sites where the location, setting or characteristics of the development are not compatible with delivering the type of affordable housing required by the Housing Strategy.

In this instance it appears unlikely that there will be a social housing provision on site but this will be compensated by the arrangements outlined above.

5. **OTHER CONSULTEE RESPONSES**

5.1 **English Heritage**

The proposal is considered intrusive on the plan form of the historic building from a former public use to housing. The presentation of the scheme is less than helpful and the level of change proposed will remove much of the historic plan form and entails substantial intrusions into many of the historic spaces and the removal of the central area. The applicants have not justified the need for the degree of change to the fabric and the plan form – there is no demonstration of the need for this very interventionist proposal. It is recommended that unless there is considerable further justification the proposal should be refused.

5.2 **Conservation Officer, Warwick District Council**

The Conservation Officer has provided a very lengthy statement regarding the application which Members are advised to read in full. The points raised will be equally valid to the application for Listed Building Consent. The following is a summary of his key observations:-

- (i) the significant changes to the building – including the removal of the glazed central area – to create a courtyard – were previously approved as part of the application for mixed office/residential use. English Heritage was consulted on this level of development/demolition and was satisfied that this was an appropriate way forward.

- (ii) The option of residential use of a building that has been vacant for a lengthy period (the present use being a temporary use by Bath Place) represents a way forward for the long term preservation of the building.
- (iii) the internal subdivision of the building at ground and first floor level will maintain full height spaces in each apartment with a mezzanine and staircase/gallery feature thus avoiding the loss of the double height spaces and the need to subdivide the principal windows
- (iv) the treatment of the internal courtyard will produce a contemporary finish in keeping with what is a new space
- (v) Conditions should be attached to the consent particularly to ensure that in the case of the front elevation, the scale of the fenestration is appropriate to maintaining a graduated appearance to the present blank walls.
- (vi) changes should be made to the proposed window arrangements to the western and eastern elevations of the front façade
- (vii) the existing entrance doors should be restored and repaired rather than replaced

5.3 Letters of Objection

The application has attracted significant numbers of objectors mainly relating to the loss of a community facility. A petition signed by over 1700 supporters and users of Bath Place Community Venture has also been submitted to the District Council.

5.4 County Highway Authority

No objection subject to compliance with standard conditions.

6. CONCLUSION

- 6.1 The application to introduce development to the site of the former Library is brought back to the Committee principally in order to consider the specific request of the objector that circumstances relevant to the original application were not placed in the public domain at the time of consideration by this Council. In addition, the Listed Building application which was not available for consideration at the time when the planning application for residential development was submitted is now before the Committee for the first time.
- 6.2 The Committee is invited to comment further on the observations conveyed to the Planning Authority at the meeting on 5th September and to consider the impact of the proposed development on the character and setting of the listed building.

Background information to the planning objections

National Planning Policy Framework (NPPF) March 2012

The new National Planning Policy Framework, which replaces over 1000 pages of previous planning legislation with just 50 pages, outlines the planning policy through which the presumption in favour of sustainable development will be assessed.

'Sustainable' according to the Ministerial foreword by Rt Hon Greg Clark MP, Minister for Planning is defined as "ensuring that better lives for ourselves don't mean worse lives for future generations"....

"Sustainable development is about change for the better and not only in our built environment".....

"Our historic environment – buildings – landscapes – town and villages – can better be cherished if their spirit of place thrives, rather than withers".

"Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations" and this is to be achieved through the planning process.

"Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives"..... "The National Planning Policy Framework .. allows people and communities back into planning".

It is clear from reading the objectives and policies of the National Planning Policy Framework that there needs to be three clear assessments of any planning application – assessments must comprise of an economic, environmental and social assessment of all planning issues.

Point 11 of the NPPF states that planning law requires planning applications be determined in accordance with the development plan, "unless material planning considerations indicate otherwise" and point 12, states that "proposed development that conflicts with the development plan should be refused, unless material planning considerations indicate otherwise". This objection outlines sound planning policy reasons why this planning application should be refused and seeks to demonstrate that there are no material planning considerations which should override these planning policies.

One of the key policy objectives within the NPPF is chapter 8 – Promoting healthy communities.

Point 69 states: "The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.... To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions... Planning policy and decisions, in turn, should aim to achieve places which promote:

- Opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed use developments, strong neighbourhood centres... which bring together those that live, work and play in the vicinity.

To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- Plan positively for the provision and use of shared space, community facilities (such as meeting places and cultural buildings) and other local services to enhance the sustainability of communities and residential environments.
- **Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; (my highlighting)**
- Ensure that established... services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community; and,
- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Point 71 recommends that "local planning authorities should take a positive and collaborative approach to enable development to be brought forward under a Community Right to Build Order, including working with communities to identify and resolve key issues before applications are submitted.

Point 73 recognises the contribution that "access to high quality open spaces and opportunities for sport and recreation" make to the health and well-being of communities.

Point 74 states that "existing open space, sports and recreational buildings and land.. should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- **The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. (my highlighting).**

I consider that the loss of the community facility as proposed by this current application is contrary to the stated objectives within the above sections of the NPPF. The need and support for this valued community facility can be demonstrated by the submission of a 1,700 signature petition, and over 200 letters of objection by members of the public have already been submitted to the District Council. Without a ready to occupy, viable equivalent or better alternative, I believe the current application is contrary to the NPPF should be refused.

Listed Building issues

In addition to the loss of a vital and well supported community facility, the issue of conserving and enhancing a "significant listed building in the Conservation Area" is a material planning consideration.

Point 126 of the NPPF states that local planning authorities should take into account;

- The desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation.

Currently, the applicants have not submitted a formal Listed Building Consent application for the proposed works to this "significant" listed building and English Heritage and the Victorian Society have formally commented on the planning application both recommending that the planning application be refused.

The level of works required to convert this Grade II listed building to flats are considered to harm the historic fabric of the building and are beyond an acceptable level of change according to English Heritage who have only made comments on the planning application and have not been assessed.

In addition to this, BPCV in their Business Plan demonstrates with correct funding, The Old Library can be run as a financially viable community facility, and would retain the building in a use which is consistent with its conservation.

However, the fundamental issue is the 'in principle' loss of the community facility – BPCV is just one community group that could potentially occupy the building. There maybe others too and the loss of this building to the

community will harm future generations ability to meet the need for a similar community building.

The Warwick District Local Plan

It is considered that the proposed development is contrary to the following adopted policies of the Warwick District Local Plan:

Supporting Local Communities

SC2 Protecting Employment Land and Buildings

Redevelopment or change of use of existing and committed employment land and buildings for other uses will not be permitted unless:-

- a) the location and/or nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses, and an applicant can demonstrate that it would not be desirable to seek to replace this with any other employment use, or**
- b) the applicant can demonstrate that there are valid reasons why the use of a site for the existing or another employment use is not economically viable, or**

In line with this policy, I believe the existing use of The Old Library as a community facility does not currently have an adverse impact upon adjacent residential uses – from reading comments from the community safety officer submitted in association with this application, it is clear most noise and disturbance is caused by late night users of the footpath the runs along the site boundary from the Pump Room Gardens, and the night club and not from the use of the building as a community facility.

I consider that the applicant has not submitted valid reasons why the use of the site for the existing or another employment use is not economically viable. BPCV when occupying The Old Library, employed 6 persons with many volunteers – however the potential for the building to accommodate many more employed persons is much greater and BPCV confirm that the full capabilities of The Old Library as an employment site was not able to be fully maximised given the temporary nature of their occupation.

In assessing this application, there are two separate but related issues:

The first is the in principle objection to the loss of the community and employment facility. The second is whether a suitable community use tenant

or owner could be found for these buildings. This is why it is so important that the building has been widely and actively marketed as a community facility by the owners Warwickshire College as required in planning policy SC8.

SC8 Protecting Community Facilities

Redevelopment or change of use of community facilities that serve local needs will not be permitted unless:-

- a) there are other similar facilities accessible to the local community by means other than the car; and either**
- b) the facility is redundant and no other user is willing to acquire and manage it; or**
- c) there is an assessment demonstrating a lack of need for the facility within the local community.**

It is considered that this community facility which serves the local need cannot be relocated to similar facilities accessible to the local community. BPCV have searched for suitable alternative premises, however no suitable buildings or sites have been identified, due to the nature of their needs, which are outlined below. BPCV are currently in discussion with WDC regarding the lease of a piece of land in South Town to provide a portakabin structure which will act as a temporary base whilst they find permanent accommodation.

However it is acknowledged by BPCV that this would not enable them to offer all the facilities and services currently housed in The Old Library. The portakabin structure would not be able to function as a community centre in the way the Old Library has, but would be a community project and BPCV have other projects in the town on which they can focus.

Relocating from The Old Library to a temporary portakabin structure will not result in a community facility being replaced to an "equivalent or better" facility as required by the National Planning Policy Framework.

The operational requirements to enable BPCV to provide equivalent services for the community requires a building which provides accommodation for:

- Veggie Table café – this acted as the central hub of the operation. It was a place for users and visitors to eat, but also was a lifeline to a large number of volunteers who have severe disabilities. The volunteers thrived on being able to offer something useful and doing so makes them feel part of the community.
- A large hall suitable for orchestra rehearsal

- Exhibition and event space for up to 150 people
- Recording Studio – 2 rooms
- Offices – 5 -10 small rooms (2 -6 persons)
- Meeting rooms – 2 minimum – capacity 12 – 20 persons
- Dance and activity spaces – 2
- Children's nursery space
- IT suite- 12 workspaces

In order to replace the community facilities offered at The Old Library by BPCV, the above is the minimum accommodation needed, which explains why no suitable alternative building has been successfully identified.

The accompanying text in the local plan for policy SC8 states that:

“The council will support proposals to enhance the quality of existing facilities which meet a local need”

I believe that the Council should not support the change of use as it can be demonstrated that there is a community need for this building – over 40 groups regularly used The Old Library – and at its peak it is estimated at 900 people per week used the buildings. BPCV have commented that room bookings etc could have been even higher, however as uncertainty about their future at Bath Place grew, bookings fell as customers needed to know that the rooms would be available when they were needed. With a 1,700 signature petition and 200 letters of objection, the community are demonstrating their support for this community building.

In addition, the background text to policy SC8 states that:

“For the redevelopment or change of use of community facilities when demonstrating need the applicant will be required to provide evidence to prove that the facility has been actively marketed for a community use for at least a period of twelve months”.

Evidence has not been submitted by the applicants to show how the building was / has been actively marketed by the current owners (Warwickshire College) for a period of 12 months, for and as a community use. Evidence as to where, how and at what price the building has been marketed as a

community building should be submitted so that the merits of the planning application can be assessed against the policy of SC8.

Policy SC8 is of critical importance to the planning assessment of this case and the case officer confirmed this when I spoke to him regarding the absence of this policy from the constraints on the web site on Wednesday 12 September.

SC11 Affordable Housing

Residential development on the following sites will not be permitted unless provision is made for a minimum of 40% affordable housing to meet local needs :-

- a) within towns, sites of 10 or more dwellings or 0.25 hectare or more in area irrespective of the number of dwellings; and**

It is clear from the applicant's Design and Access Statement that there is to be a payment of £150k (plus % of the profits) paid by the developer to Warwick District Council in lieu of on-site affordable housing provision.

I would like to know why it was concluded that provision of on-site affordable housing was not considered "feasible" and why it is considered acceptable that a luxury enclave of 28 luxury flats is considered acceptable as this will not create a mixed, inclusive and balanced community.

SC13 Open Space and Recreation Improvements

It has not been demonstrated by the developer that a contribution will be made to the provision of sport and recreation facilities as part of the development.

SC14 Community Facilities

Contributions will be sought towards community facilities in conjunction with new development where appropriate.

It has not been demonstrated by the developer that a contribution will be made to the provision of community facilities in conjunction with this proposed development.

Listed Building and the Local Plan

In relation to policies in the Local Plan which seek to protect Listed Buildings, it is considered that the proposed development is contrary to policies:

Upper Floors within Listed Buildings and Conservation Areas	DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)
Restoration of Listed Buildings	DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)
Changes of Use of Listed Buildings	DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)
Protection of Listed Buildings	DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)

It is considered that harm will be caused to the special qualities of the Listed Building by reason of the substantial, intrusive and destructive internal alterations proposed.

The application seeks whole scale changed to the plan form of the internal layout of the building, which will adversely affect the listed building. English Heritage and the Victorian Society object to the planning application and are likely (in my opinion) to object to a Listed Building Consent on the same grounds. The provision of a lift shaft will also be harmful to the special qualities of the listed building as will the protrusion of the lift shaft above the existing roof plain.

Kind regards,

Liz Drake B.A.(Hons) DipTP MRTPI



THE TOWN COUNCIL OF ROYAL LEAMINGTON SPA
MINUTES OF THE MEETING OF THE PLANNING COMMITTEE
HELD ON 27 SEPTEMBER 2012 AT THE TOWN HALL,
ROYAL LEAMINGTON SPA

Present: Councillors: John Knight (Chair); Simon Lytton; Yvonne Moore (substituting for Cllr Bill Gifford); Ann Morrison and Amanda Stevens.

Apologies were received from: Councillors Bill Gifford and Balvinder Gill.

There were two members of the public present.

39. PUBLIC FORUM

The Committee received representations from Ms Elizabeth Drake concerning application No W12 1004 – proposed change of use of the Old Library, Avenue Road, which had been considered by the Committee at the last meeting.

Ms Drake considered that errors had taken place in the manner in which the planning application had been released for public consultation which may have resulted in the Planning Committee coming to a decision different to that it would otherwise have made. In particular she referred to the fact that the application for Listed Building Consent had been separated from the application for the change of use and that certain important planning constraints, such as Policy SC8, had not been included within documentation available on the District Council website. She referred to discussions with the Case Officer who had indicated that should the Town Council wish to add to, or amend its earlier observations in respect of this application, it was at liberty to do so.

Following discussion, and having noted the relevance of the Council's Standing Order procedures, it was

RESOLVED that application W12/1044 is reconsidered at the meeting on 18th October together with a report containing the principle points of the objector, the response of the Planning Officer and relevant Policy constraints including Policy SC8.

40. MINUTES

The Minutes of the Meeting of the Planning Committee held on 5 September 2012, having been circulated, were considered.

RESOLVED that the Minutes of the meeting of the Planning Committee held on 5 September 2012 are confirmed and signed as a correct record.

41. PLANNING APPLICATIONS

W/12/1029 Mr Alan Brailey Change of use from dwelling to small house in multiple occupancy (use class C4) for 4 bedrooms. 49 Tachbrook Road CV31 3DT

RESOLVED that no objection is raised subject to the following comments:

(i) The Council is concerned at the cumulative impact in South Leamington of a further dwelling converted to multi occupancy which may adversely affect the amenity of the area.

(ii) The proposal makes inadequate provision for parking within the site leading to further pressure on the limited on-street parking in the neighbourhood.

W/12/1054 Leamington & Warwick Gurdwara Variation of conditions 5 & 6 of planning permission W12/0420 (change of use of 17A Queensway to Sikh religious facility ancillary to the Sikh temple for use as Sikh recreation facility, for temporary period of 3 years) to enable recreational uses in Building A during specific times and days. Sikh Community Centre Queensway Trading Estate Queensway Leamington Spa

RESOLVED that no objection is raised.

W/12/1026 Waterloo Housing Association Demolition of former Kingsway community Centre and erection of 2no. Three bedroomed houses, 2no. Two bedroomed houses, 6no. Two bedroomed apartments and associated car parking (resubmission of W/11/0942) Kingsway Community Centre, Edinburgh Crescent CV31 3LL

RESOLVED that no objection is raised.

W/12/1033 Mr Satsavia Retention of 2 flats on upper floors - 1 X 1 bed flat & 1 X 3 bed flat 19B High Street CV31 3AW

RESOLVED that no objection is raised.

W/12/1127 Mrs K Kaur Extend existing dormer window 67 Waverley Road CV31 2DE

RESOLVED that no objection is raised.

W/12/1071 LB Mr Jason Kimpton Installation of a non-illuminated fascia sign and two non-illuminated projecting signs; painting of shopfront (retrospective application) 138 Parade CV32 4AG

RESOLVED that an objection is raised for the following reason:
The design of the signage is considered unsuitable for the location and will have an adverse impact on the Conservation Area.

W/12/1064 Prezzo PLC Display of two internally illuminated fascia text reading PREZZO and one non-illuminated projected sign. 25 Denby Buildings, Regent Grove CV32 4NY

RESOLVED that no objection is raised.

W/12/1036 Mr Steen Rasmussen Change of use from a shop (Use Class A1) to a restaurant/café (Use Class A3) 37F Warwick Street CV32 5JX

RESOLVED that no objection is raised.

W/12/1087 Mr P Howard-Leach Change of use from dwelling house (Use Class C3) to a 4 bed HMO (Use Class 4) 18 Willes Road CV32 4PY

RESOLVED that no objection is raised.

W/12/1118 Mr & Mrs Hodgson Proposed rear extension to basement and ground floor level to create a garden room and utility room. New replacement roof with two rear dormer windows. 16 Campion Terrace CV32 4SX

RESOLVED that no objection is raised.

W/12/0999 Mr Roy Howard Erection of first floor side extension 2 Newnham Road, Lillington, CV32 7SN

RESOLVED that no objection is raised.

W/12/1120 Mr J O'Donoghue Erection of a single storey front extension to garage and porch, erection of new pitched roof to replace flat roof to side elevation and erection of a single storey rear extension- resubmission of W/12/0782 granted 30th August 2012 31 Parklands Avenue, Lillington, CV32 7BH

RESOLVED that no objection is raised.

W/12/1073 Mr & Mrs Johnson Proposed pitched roof to existing garage. 1 Hirsal Gardens Woodcote Road CV32 6QH

RESOLVED that no objection is raised.

W/12/1094 Mr Roy Potter Erection of single storey side extension 47 Kinross Road Lillington CV32 7EF

RESOLVED that no objection is raised.

W/12/0883 Mr Smith Erection of single storey rear and two storey side extension. 4 Helmsdale Road, Lillington, CV32 7DW

RESOLVED that no objection is raised.

W/12/1149 Mr G & Mrs R Cooper Alterations to garage roof to provide fully pitched roof (to replace flat area). Killock Cottage, Woodcote Road, CV32 6QB

RESOLVED that no objection is raised.

W/12/1144 Mr I Horton Erection of single storey rear extension and new front door opening 32 St Andrews Road, Lillington, CV32 7EU

RESOLVED that no objection is raised.

W/12/1040 Mrs S Onions Construction of first floor rear extension to replace existing. 37 Gaveston Road CV32 6EX

RESOLVED that no objection is raised.

W/12/1055 & W/12/1097 LB Mr G Kanwar Change of use of first floor from a hairdressing salon to a dwelling. First floor, 16 Victoria Terrace CV31 3AB

RESOLVED that no objection is raised.

W/12/1041 Mr Wall Proposed two storey rear extension 31 Quarry Street CV32 6AS

RESOLVED that no objection is raised.

W/12/1062 Mr Cox Single storey bathroom extension 76 New Street CV31 1HL

RESOLVED that no objection is raised.

W/12/1050 Mr P Bhangal Demolition of existing granny annex and erection of a replacement granny annex in rear garden. 192 Radford Road CV31 1LQ

RESOLVED that an objection is raised for the following reasons:

(i) The proposed annexe is considered an overlarge development within the curtilage which fails to respect and harmonise with its surroundings. It is considered that the annexe is tantamount to a separate dwelling.

(ii) The Council questions the adequacy of the access to the site, via a private road.

W/12/0794 LB Dr S Jackson Internal alterations to remove existing brick wall and replace with a stud wall and new wooden panelled door to create a larger upstairs toilet and new fourth bedroom. 15 Church Street CV31 1ER

RESOLVED that no objection is raised.

W/12/1130 LB Mrs Louise Bryan Removal of existing internal wall separating the sitting room and kitchen and the removal of part of the existing internal wall separating the sitting room and hall. Willes House, 63 Willes Road, CV31 1BN

RESOLVED that no objection is raised.

W/12/0789 Mr J Duley Change of use from offices to a 14 bedroom house in multiple occupation.

RESOLVED that an objection is raised for the following reason:

(i) The proposal makes inadequate provision for parking resulting in on-street parking detrimental to highway safety.

W/12/0790 LB Mr J Duley Internal alterations including the removal of existing walls and doors and the installation of new partition walls and doors.

RESOLVED that an objection is raised for the following reason:

(i) The proposal makes inadequate provision for parking resulting in on-street parking detrimental to highway safety.

42. **PLANNING DETERMINATIONS**

A schedule of applications determined by the Planning Authority since the last Meeting had been circulated and was considered.

RESOLVED that the planning determinations are noted.

43. PLANNING APPEAL NOTIFICATION

Appeal by: Hanover
Site: Avon Court, Kenilworth Road, Leamington Spa CV32 6JH
Reason: Refusal of planning permission.

RESOLVED that the Planning Appeal Notification is noted.

44. ENFORCEMENT APPEAL NOTIFICATION

Appeal by: Mr G S Lotta
Site: 23 Southlea Avenue, Leamington Spa CV31 3JN
Breach: Without planning permission, the installation of a dormer window extension within the rear facing slope and associated roof alterations.

Since notification of the Enforcement Appeal a subsequent notification of withdrawal of Enforcement Appeal has been received.

RESOLVED that the Enforcement Appeal Notification and Withdrawal Notification are noted.

44. PLANNING APPEAL DECISIONS

There were none.

45. TREE PRESERVATION ORDER NOTIFICATION

No. 467 - 5 Woodbine Street, Leamington Spa CV32 5BG

RESOLVED that the Tree Preservation Order is noted.

The meeting commenced at 6.30 pm and finished at 7.50pm

Signed

Dated

No	Application No	Applicant	Proposal	Location	Ward	Link to Warwick DC Planning Portal
1	W/12/0892	Deeley Properties Ltd & Orbit Homes (2020) Ltd	Erection of 178 affordable extra care apartments and associated facilities along with car parking; landscaping; open space; all enabling and ancillary works - all served from the formation of a new vehicular access from Queensway.	Land off Queensway	Brunswick	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summa ry&keyVal= WARWI_DCAPR_65899
2	W/12/1015	Mr Chima	Erection of single storey side, rear and front extension	65 Kingsway CV31 3LE	Brunswick	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summa ry&keyVal= WARWI_DCAPR_66080
3	W/12/1013	Shipleys Estates Ltd	Change of use to part first floor area from storage and staff accommodation to a two bedroom self-contained flat.	Shipleys, 128 Parade, CV32 4AG	Clarendon	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summa ry&keyVal= WARWI_DCAPR_66078
4	W/12/1165 LB	Scope	Installation of a non-illuminated fascia sign and a non-illuminated projecting sign.	Scope, 90 Warwick Street, CV32 4QG	Clarendon	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summa ry&keyVal= WARWI_DCAPR_66297
5	W/12/1216	ECCO/KRM Ltd	Display of new internally illuminated black fascia sign with company log "ecco" in white letters.	83 Parade, CV32 4AY	Clarendon	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summa ry&keyVal= WARWI_DCAPR_66378
6	W/12/0856	Mr Bagga	Change of use of existing flat to a 7 bedroom house in multiple occupation and alterations to shopfront.	89 Warwick Street, CV32 4RJ	Clarendon	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summa ry&keyVal= WARWI_DCAPR_65842
7	W/12/1164	Dr Hayley French	Display of wall mounted signage panel.	39 Clarendon Street, Sherbourne Place, CV32 5SW	Clarendon	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summa ry&keyVal= WARWI_DCAPR_66296

No.	Application No	Applicant	Proposal	Location	Ward	Link to Warwick DC Planning Portal
8	W/12/1225	Mr O'Connell	Display of hanging sign above the double entrance door.	21-23 Dormer Place, CV32 5AA	Clarendon	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summarv&keyVal=WARWI_DCAPR_66390
9	W/12/1223 LB	J P Plumbing & Gas Heating Ltd	Repaint and wall paper the interior, also install a wooden partition wall to separate the existing open plan kitchen from the dining area.	21-23 Dormer Place, CV32 5AA	Clarendon	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summarv&keyVal=WARWI_DCAPR_66388
10	W/12/1209 LB	Mr Peachey	Change of use & Listed Building Consent for conversion of the disused first floor storage and vacant second floor over the existing shop premises into a new self contained 2 bedroomed flat.	58 Regent Street CV32 5EG	Clarendon	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summarv&keyVal=WARWI_DCAPR_66371
11	W/12/1210	Mr Peachey	Change of use & Listed Building Consent for conversion of the disused first floor storage and vacant second floor over the existing shop premises into a new self contained 2 bedroomed flat. Alteration to shop front.	58 Regent Street CV32 5EG	Clarendon	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summarv&keyVal=WARWI_DCAPR_66372
12	W/12/1245	Mr Neofetou	Proposed orangery 8.3m wide x 2.75m projection to side of property.	35 Newbold Terrace East CV32 4EY	Clarendon	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summarv&keyVal=WARWI_DCAPR_66425
13	W/12/1242 LB	Lloyds Banking Group	New partition walls and pass doors to be installed.	Cheltenham & Gloucester, 19-21 Parade. CV32 4DE	Clarendon	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summarv&keyVal=WARWI_DCAPR_66419

No.	Application No	Applicant	Proposal	Location	Ward	Link to Warwick DC Planning Portal
14	W/12/1239	Mr T Keogh	Erection of two detached bungalows	25 & 27 Haddon Road Lillington CV32 7QX	Crown	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summa ry&keyVal= WARWI_DCAPR_66415
15	W/12/1182	Mr W Smalley	Installation of two rear dormer windows within the rear roof slope.	2 Wathen Road, CV32 5UX	Manor	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summa ry&keyVal= WARWI_DCAPR_66319
16	W/12/1084	Mr M Birk	Proposed attached garage to side of two storey semi-detached house.	43 Montrose Avenue Lillington CV32 7DS	Manor	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summa ry&keyVal= WARWI_DCAPR_66193
17	W/12/1229	Complete Care	Change of use from residential children's home for 8 young people aged 10-17 years within use Class 2 of the Town and country Planning (Use Classes) Order 1987 to non-residential education centre use within Class D1 of the order Non residential (institution) Retrospective application.	34 Lillington Road CV32 5YY	Manor	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summa ry&keyVal= WARWI_DCAPR_66396
18	W/12/1233	Mr & Mrs Gardner	Proposed 2 storey extension and extension at first floor level to the side and rear of the existing dwelling. Extension to provide an enlarged kitchen/dining room and enlarged bedroom.	55 Telford Avenue, Lillington, CV32 7HQ	Manor	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summa ry&keyVal= WARWI_DCAPR_66405
19	W/12/0981	Mr J Ransom	Change of use from dwelling house (Class C3) to a 4 bedroom house in multiple occupation (Class C4)	58 Quarry Street, Milverton, CV32 6AU	Milverton	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summa ry&keyVal= WARWI_DCAPR_66027

No.	Application No	Applicant	Proposal	Location	Ward	Link to Warwick DC Planning Portal
20	W/12/1161	Mr & Mrs Courtenay-Evans	Proposed construction of a rear facing dormer window.	23 Victoria Street, CV31 3PU	Milverton	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=WARWI_DCAPR_66293
21	W/12/1206 LB	TAG Exclusive Properties Ltd	Alterations and extensions associated with the conversion of a Grade II listed former library building into 28 apartments.	York Road Centre, formerly The Old Library, Avenue Road, CV31 3PR	Milverton	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=WARWI_DCAPR_66367
22	W/12/1241	Mr & Mrs Harris	Erection of rear kitchen extension	2 Hopton Crofts CV32 6NT	Milverton	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=WARWI_DCAPR_66418
23	W/12/1124	Ms Sloan	Replace existing timber/metal windows with PVC double glazed units to front elevations	4 Guys Cliffe Road, CV32 5BZ	Milverton	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=WARWI_DCAPR_66243
24	W/12/1039	Mr Gillespie	Demolition of existing outbuildings and replacement with two storey extension	4 Milverton Crescent West CV32 5NE	Milverton	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=WARWI_DCAPR_66115
25	W/12/1222	Dr Tennyson	Refurbishment of small front garden. Replace existing soil, plants, slabs and concrete path to front door with a landscaped garden design, consisting of a gravel surface, two small areas for plants and a sandstone path.	32 Greatheed Road CV32 6ES	Milverton	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=WARWI_DCAPR_66387
26	W/12/1259 LB	Garon Estate Ltd	Proposed realignment of rainwaer downpipe to rear elevation to alleviate flooding, form parapet and valley gutters.	36 Warwick Place, CV32 5DE	Milverton	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=WARWI_DCAPR_66464

No.	Application No.	Applicant	Proposal	Location	Ward	Link to Warwick DC Planning Portal
27	W/12/1168	Claremont Homes	Change of use of existing office accommodation to provide three shared apartments comprising a total of 20 number bed sitting spaces with ensuite showers and communal kitchen/dining rooms.	Satchwell Granary, 2 New Street, CV1 1HP	Willes	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=WARWI_DCAPR_66300
28	W/12/1226	Mr & Mrs R Donnolly	Demolition of lean-to extension and erection of single storey side extension.	205 Leam Terrace, CV31 1DW	Willes	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=WARWI_DCAPR_66393
29	W/12/1148	Mrs S Peake	Single storey rear bedroom, bathroom extension	10 Cowdray Close Sydenham CV31 1LB	Willes	http://planningdocuments.warwickdc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=WARWI_DCAPR_66274



The Town Council of Royal Leamington Spa

PLANNING DETERMINATIONS 18 OCTOBER 2012

Planning Permission has been **GRANTED** by the Planning Authority in respect of the following application:

W/12/0789 Mr J Duley Change of use from offices to a 14 bedroom house in multiple occupation.

RESOLVED that an objection is raised for the following reason:

- (i) The proposal makes inadequate provision for parking resulting in on-street parking detrimental to highway safety.

WDC Reason for Decision

The proposed development does not adversely affect the historic integrity, character or setting of the listed building, is of an acceptable standard of design and detailing and preserves the character and appearance of the Conservation Area within which the property is situated. The proposed would bring a vacant Listed Building back into use and it has been demonstrated that it is unlikely that the building will be brought back into use for office purposes in the near future. Furthermore the proposal includes adequate off-street parking.

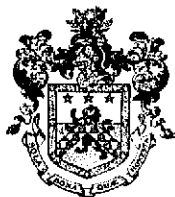
W/12/0790 LB Mr J Duley Internal alterations including the removal of existing walls and doors and the installation of new partition walls and doors.

RESOLVED that an objection is raised for the following reason:

- (i) The proposal makes inadequate provision for parking resulting in on-street parking detrimental to highway safety.

WDC Reason for Decision

The proposed development does not adversely affect the historic integrity, character or setting of the listed building, is of an acceptable standard of design and detailing and preserves the character and appearance of the Conservation Area within which the property is situated.



The Town Council of Royal Leamington Spa

PLANNING DETERMINATIONS 18 OCTOBER 2012

Planning Permission has been **REFUSED** by the Planning Authority in respect of the following applications:

W/12/0797 Mr J Magin Excavation to create area outside basement at front of house, provision of windows and doors in bay to create access. New railings and staircase from garden. 90 Leam Terrace, CV31 1DE

RESOLVED that no objection is raised

WDC Reason for Decision

Historically this type of dwelling did not have a large basement area and there are no examples of large square lightwells or horizontal railings on similar house types in the locality. The scale of the lightwell and the intrusive nature of the railings proposed is considered to be out of character with the dwellinghouse and will result in a negative impact upon the character and appearance of the Conservation Area.