

# PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 14 December 2005 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

**PRESENT:** Councillor Evans (Chair); Councillors Ashford, Mrs Blacklock, Mrs Compton, and Mrs Knight.

(Apologies for absence were received from Councillors Ms De-Lara-Bond, Kinson and Windybank).

## 704. **MARY SUE STATHE**

The Chair announced that Mary Sue Stathe, Head of Legal Services would be retiring at the end of the year. Members expressed their gratitude for the legal expertise and advice Mary Sue had provided to a long succession of Planning Committees and Chairs, and, for the contribution she had made to defending the Council's position on a number of complex planning issues that had to be dealt with during that time.

## 705. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

## 706. **MINUTES**

The minutes of the meetings held on 11 October 2005 and 2 November 2005 were taken as read and signed by the Chair as a correct record.

## 707. **REAR OF OAKS PRECINCT/SCOTT ROAD, KENILWORTH**

The Committee considered an application from Daly International (UK) for the erection of a 15m telecommunications mast and equipment cabin.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

SC8 - Telecommunications (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

The following addressed the Committee on this item:

Councillor N Vincett  
Mr P Alty  
Ms K O'Neill

Town Council  
Objector  
Agent

## Planning Committee Minutes (Continued)

Having considered the officers report and representations from members of the public, the Committee were of the opinion that the application should not be approved because it was felt that the application site was unsuitable and would have a detrimental visual impact on the local area and neighbours amenities.

**RESOLVED** that application W2005/1799TC NOT BE APPROVED because the Committee felt it was an unsuitable siting with detrimental visual impact on the local area and neighbours amenities, contract to policies ENV3, DP1, DP2 andSC8.

### 708. **83 RUGBY ROAD, CUBBINGTON, LEAMINGTON SPA**

The Committee considered an application from Mr M Hope for the proposed demolition and rebuilding of workshop (Class B1).

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)  
SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011 First Deposit Version)

The following addressed the Committee on this item:

Mr C Marrow  
Mr Day

Objector  
Agent

**RESOLVED** that application W2005/1489 be GRANTED Subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 2005-1239-3a and 2005-1239-4a and specification contained therein, submitted on 2 September 2005 and 1 November 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;

## Planning Committee Minutes (Continued)

- (3) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (4) No materials, goods, produce, vehicles, plant or equipment of any description including skips or containers, shall be stacked, stored, deposited or displayed for sale on any open area of the site. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (5) The development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (6) Prior to the first occupation of the building hereby permitted, the kerb shall be reinstated in accordance with drawing number 2005-1239-3a deposited with the District Planning Authority on 1 November 2005. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (7) The premises shall be used for Class B1 and for no other purpose including any other purpose in Class B of Part B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. **REASON** : Other uses within this Use Class may not be appropriate in these premises by reason of its close proximity to neighbouring properties and to the junction of Kenilworth Road/Windmill Lane.

## Planning Committee Minutes (Continued)

### 709. 32 GREVILLE SMITH AVENUE, WHITNASH, LEAMINGTON SPA

The Committee considered an application from Matthew Homes (West Mids) Ltd for the erection of a new detached dormer bungalow with 2 garages.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

The following addressed the Committee on this item:

Ms J Warmington                      Objector

**RESOLVED** that application W2005/1665 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings (9512/PL01 Rev B, 9512/PL02 Rev B, 9512/PI10 Rev B), and specification contained therein, submitted on 29th November, 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;

## PLANNING COMMITTEE MINUTES (Continued)

- (4) A landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (5) The proposed 1.8 metre fence between the proposed development and No 32 Greville Smith Avenue as shown on drawing 9512/PL01 shall be erected prior to the first occupation of the new dwelling proposed. **REASON**: In the interests of the amenities of future occupiers of the building.

### 710. **ARDEN HILL LODGE, LAPWORTH STREET, LAPWORTH**

The Committee considered an application from Mr C Butterfield for the erection of a two storey rear extension.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).  
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 Revised Deposit Version)  
(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)

The following addressed the Committee on this item:

Councillor Mrs Toogood    Parish Council

**RESOLVED** that application W2005/1682 be GRANTED subject to the following conditions:

**PLANNING COMMITTEE MINUTES (Continued)**

- (1) The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 2005/025/002,2005/025/003, and specification contained therein, submitted on 7th October 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3; and
- (3) 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 ENV3 of the Warwick District Local Plan.

**711. CHERISVILLE (TURNPIKE CLOSE), OLD WARWICK ROAD, LAPWORTH, SOLIHULL**

The Committee considered an application from Mr & Mrs Tam for the erection of a two storey, single storey and first floor extensions (including dormer window).

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)
- (DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

The following addressed the Committee on this item:

Councillor Mrs Toogood    Parish Council

**RESOLVED** that application W005/1691 be GRANTED subject to the following conditions:

**PLANNING COMMITTEE MINUTES (Continued)**

- (1) The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos 1175.03 R6 and 1175.04 R6, and specification contained therein, received on 24th October 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

**712. 6 FORFIELD PLACE, LEAMINGTON SPA**

The Committee considered an application from Mr G Johal for the change of use to a house in multiple occupation (retrospective application).

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)  
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).  
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version).

The following addressed the Committee on this item:

Mrs K Clifton                      Objector

**RESOLVED** that application W2005/1777 be GRANTED subject to the following conditions:

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

**PLANNING COMMITTEE MINUTES (Continued)**

- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number 03 and specification contained therein, submitted on 25 October 2005 unless first agreed otherwise in writing by the District Planning Authority.  
**REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3; and
- (3) No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan.

**713. LAND ADJACENT TO THE MANOR HOUSE, CHURCH ROAD, BUBBENHALL, LEAMINGTON SPA**

The Committee considered an application from Mr & Mrs Evans for the erection of a new dwelling and double garage.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

- RR1 - Rural Renaissance (Regional Planning Guidance 11 - June 2004)
- CF2 - Housing beyond the Major Urban Areas (Regional Planning Guidance 11 - June 2004)
- GD.1 - Overriding Purpose (Warwickshire Structure Plan 1996-2011).
- GD.3 - Overall Development Strategy (Warwickshire Structure Plan 1996-2011).
- GD.5 - Development Location Priorities (Warwickshire Structure Plan 1996-2011).
- GD.6 - Green Belt (Warwickshire Structure Plan 1996-2011).
- RA.1 - Development in Rural Areas (Warwickshire Structure Plan 1996-2011).
- RA.3 - Housing and Industrial Development and Hierarchy of Settlements in Rural Areas (Warwickshire Structure Plan 1996-2011).
- H.3 - Greenfield Land for Housing (Warwickshire Structure Plan 1996-2011).
- (DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)
- (DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
- (DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
- (DW) ENV9 - Design Guidance for New Development within Conservation Areas (Warwick District Local Plan 1995)

## PLANNING COMMITTEE MINUTES (Continued)

(DW) ENV26 - The Implementation of Tree Planting Schemes (Warwick District Local Plan 1995)

(DW) ENV27 - Ecological Development (Warwick District Local Plan 1995)

(DW) H8 - Limited Infill Villages (Warwick District Local Plan 1995)

DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 Revised Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

DP6 - Access (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

RAP1 - Development within Rural Areas (Warwick District 1996 - 2011 Revised Deposit Version)

RAP2 - Directing New Housing (Warwick District 1996 - 2011 Revised Deposit Version)

Distance Separation (Supplementary Planning Guidance)

The 45 Degree Guideline (Supplementary Planning Guidance).

The following addressed the Committee on this item:

Mrs J Lloyd	Parish Council
Mr B Bassett	Agent
Councillor J Hammon	Ward Councillor

**RESOLVED** that application W2005/1795 be GRANTED subject to the completion of a Section 106 agreement to rescind extant permission W940622 and to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years from the date of this permission.

**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 1171/01D, 02E, 03, 04, 05A and 06, and specification contained therein, submitted on 25 October 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy (DW) ENV3 of the Warwick District

## PLANNING COMMITTEE MINUTES (Continued)

Local Plan 1995.

- (3) No development shall be carried out on the site which is the subject of this permission, until details of the form and siting of the proposed septic tank to serve the development have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : Inadequate details were submitted for this matter to be fully and properly considered in respect of the approval hereby granted;
- (4) No development shall commence until a method statement including details of fencing and other protective measures for the retained trees, and the timing and phasing of operations has been submitted to and approved in writing by the District Planning Authority. All works undertaken thereafter shall be carried out in accordance with the approved details. **REASON** : To ensure that the retained trees are properly protected during the course of development in order to maintain the environmental quality of the site, and to satisfy Policy (DW) ENV3 of the Warwick District Local Plan 1995;
- (5) No development shall take place until full details of hard and soft landscape works, including boundary treatment and surfacing, have been submitted to and approved in writing by the District Planning Authority. Details of hard landscape works shall include finished ground and floor levels (in relation to existing levels of the site and adjoining land), surfacing materials and means of enclosure. Details of soft landscaping works shall identify trees to be retained and shall include species of new trees and shrubs, their sizes and positions, and the timetable for their planting. If, within a period of 5 years from the date of planting, any tree or shrub is removed, destroyed, dies, another of the same species and size shall be planted at the same place in the next planting season, unless the District Planning Authority gives its written consent to any variation. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- (6) The existing trees and shrubs shall be retained in accordance with BS 5837:2005. Before any equipment, machinery or materials are brought on the site for the purposes of the development, stout protective fencing should be erected to

**PLANNING COMMITTEE MINUTES (Continued)**

enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be maintained until all equipment, machinery and surplus material has been removed from the site. Nothing shall be stored, erected or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or other works undertaken, without the written consent of the District Planning Authority. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995;

- (7) In this condition "retained tree" means an existing tree which is to be retained in accordance with the landscaping scheme approved pursuant to condition (5); and paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use:
- i) No retained tree shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped without the prior written consent of the District Planning Authority;
  - ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the District Planning Authority. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995;
- (8) The garage shown on the plans hereby approved shall be erected and completed before the dwelling is occupied. Thereafter the garage shall be retained and kept available for the purposes of parking by the occupiers of the development and shall not be altered either internally or externally without the prior consent of the District Planning Authority. **REASON** : To ensure that there are adequate parking facilities to serve the development, in accordance with the requirements of Policy (DW)N ENV3 of the Warwick District Local Plan 1995; and

**PLANNING COMMITTEE MINUTES (Continued)**

- (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no living accommodation shall be provided above ground floor level.  
**REASON** : To ensure that the residential amenity of this locality is protected in accordance with the provisions of Policy (DW) ENV3 of the Warwick District Local Plan 1995.

**714. EAST LODGE, WARWICKSHIRE POLICE AUTHORITY, WOODCOTE LANE, LEEK WOOTTON, WARWICK**

The Committee considered an application from Warwickshire Police Authority for an extension and conversion of Lodge building (amended scheme to W2005/1117).

The following addressed the Committee on this item:

Mr J Holchin                  Parish Council

**RESOLVED** that application W2005/1825 be DEFERRED to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when considering the application.

**715. EAST LODGE, WARWICKSHIRE POLICE AUTHORITY, WOODCOTE LANE, LEEK WOOTTON, WARWICK**

The Committee considered an application from Warwickshire Police Authority for the extension and conversion of Lodge building (amended scheme to W2005/1118LB).

The following addressed the Committee on this item:

Mr J Holchin                  Parish Council

**RESOLVED** that application W2005/1823LB be DEFERRED to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when considering the application.

**716. 4 CHURCH STREET, WARWICK**

The Committee considered an application from Stanley Racing for the installation of 2 galvanised steel ducts to flat roof, 2 satellite dishes to rear wings and 3 air conditioning condenser units to rear wing (retrospective application).

The Head of Planning and Engineering considered that the following policies were relevant:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

## PLANNING COMMITTEE MINUTES (Continued)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

**RESOLVED** that application W2005/1513:

**(A)** GRANT planning permission for the installation of two satellite dishes subject to the below conditions.

(1) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing, and specification contained therein, submitted on 8th September 2005 unless first agreed otherwise in writing by the District Planning Authority.

**REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

(2) This permission shall be limited to a period of time expiring on 31st October 2010 or on the cessation of use of the property by Stanley Racing, whichever is the sooner. At or before the expiration of this period or cessation of use the equipment shall be removed and the building restored to its former condition. **REASON:** Since permission would not normally be given except under the special circumstances of this case.

**(B)** REFUSE planning permission for the installation of three air conditioning units and inlet/outlet ducts for the below reason.

(1) Policy (DW) ENV3 of the Warwick District Local Plan and emerging policy DP1 of the first deposit version of the Local Plan (1996-2011) requires all development proposals to harmonise with their surroundings in terms of design and land use. In the opinion of the District Planning Authority, the equipment constitutes an unneighbourly form of development in relation to the adjoining property/properties by reason of the impact of the noise generated on the residential amenities of the nearby residents.

**(C)** Enforcement action be AUTHORISED to have the equipment removed if an acceptable alternative scheme is not submitted within 2 months.

**717. 4 CHURCH STREET, WARWICK**

The Committee considered an application from Stanley Racing for the installation of 2 galvanised steel ducts to flat roof, 2 satellite dishes to rear wings and 3 air conditioning condenser units to rear wing (retrospective application).

The Head of Planning and Engineering considered that the following policies were relevant:

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

**RESOLVED** that application W2005/1514LB:

**(A)** GRANT planning permission for the installation of two satellite dishes subject to the below conditions.

(1) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing, and specification contained therein, submitted on 8th September 2005 unless first agreed otherwise in writing by the District Planning Authority.

**REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

(2) This permission shall be limited to a period of time expiring on 31st October 2010 or on the cessation of use of the property by Stanley Racing, whichever is the sooner. At or before the expiration of this period or cessation of use the equipment shall be removed and the building restored to its former condition. **REASON:** Since permission would not normally be given except under the special circumstances of this case.

**(B)** REFUSE planning permission for the installation of three air conditioning units and inlet/outlet ducts for the below reason.

(1) Policy (DW) ENV3 of the Warwick District Local Plan and emerging policy DP1 of the first deposit version of the Local Plan (1996-2011) requires all development proposals to harmonise with their surroundings in terms of design and land use. In the opinion of the District Planning Authority, the equipment constitutes an unneighbourly form of development in relation to the adjoining property/properties by reason of the impact of the noise generated on the residential amenities of the nearby residents.

**(C)** Enforcement action be **AUTHORISED** to have the equipment removed if an acceptable alternative scheme is not submitted within 2 months.

**718. 5 BRIDGE STREET, BARFORD**

The Committee considered an application from Mr & Mrs Gillitt for the demolition of existing single storey garage, proposed 2 storey garage, playroom and bedroom extension.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).  
DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)  
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

**RESOLVED** that application W2005/1613 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 04/113-03,04/113-04, and specification contained therein, submitted on 28th September 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) 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 ENV3 of the Warwick District Local Plan; and

**PLANNING COMMITTEE MINUTES (Continued)**

- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission, shall be placed at any time at first floor level in the rear elevation of the extension. **REASON :** To retain control over future development so that the residential amenity of adjoining occupiers is protected.

**719. 1 LAMBERT COURT, WEST STREET, WARWICK**

The Committee considered an application from Miss U Schroeter for the installation of UPVC windows to front and back elevation (retrospective application).

The Head of Planning and Engineering considered that the following policies were relevant:

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

**RESOLVED** that application W2005/1693:

- (1) be REFUSED in accordance with Officers recommendations because the site lies within a Conservation Area as it is considered that the development proposed would prejudice the Planning Authority's policy for the preservation and enhancement of the character and appearance of such areas by reason of the inappropriate dimensions and detailing of the windows, thereby, conflicting with the objectives of Warwick District Local Plan policies (DW) ENV6 and (DW) ENV8 and emerging policy DAP10 of the first deposit version of the Local Plan 1996-2011.
- (2) Enforcement action be AUTHORISED to have the UPVC windows removed and replaced with timber windows to match the originals with a compliance period of 3 months.

**720. 44B AVENUE ROAD, LEAMINGTON SPA**

The Committee considered an application from Mr A Thomson for the insertion of a rear dormer window.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

## PLANNING COMMITTEE MINUTES (Continued)

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version).

**RESOLVED** that application W2005/1718 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number 3984B and specification contained therein, submitted on 17 October 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3; and
- (3) No development shall be carried out on the site which is the subject of this permission, until large scale details of the dormer window (including a section showing the corner posts and cheek details) at a scale of 1:5 together with constructional details have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** :To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

### 721. **1 PRIAM CIRCUS, HEATHCOTE, WARWICK**

The Committee considered an application from Mr M Pressy for the erection of a rear conservatory (retrospective application).

The Head of Planning and Engineering considered that the following policies were relevant:

## **PLANNING COMMITTEE MINUTES (Continued)**

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).  
The 45 Degree Guideline (Supplementary Planning Guidance).

**RESOLVED** that application W2005/1729 be GRANTED (against officer's recommendation for refusal and authorisation of enforcement action) because the Committee considered that the conservatory did not have such an unreasonable effect on the neighbouring property as to warrant refusal and enforcement action to require its removal.

### **722. 45 WARWICK STREET, LEAMINGTON SPA**

The Committee considered an application from Mr P Aktar for the proposed halo illuminated fascia lettering.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)  
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)  
(DW) ENV20 - Advertising Control (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).  
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version).

**RESOLVED** that application W2005/1760 be GRANTED subject to the following conditions:

- (1) Subject to Condition 2 below, the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved Drawing No. 720-01A, and specification contained therein, deposited with the District Planning Authority on 7th November 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

- (2) Notwithstanding the details shown on the submitted plan, further details of the size of letters and colour scheme for the proposed advertisement shall be submitted to and be approved in writing by the District Planning Authority before the sign hereby approved is first installed. The advertisement shall be installed strictly in accordance with the approved details.  
**REASON** : To protect the visual amenity of this part of the Conservation Area and to comply with policies ENV6, 8 and 20 of the Warwick District Local Plan 1995.

**723. MALLARDS REACH, BARFORD ROAD, BARFORD, WARWICK**

The Committee considered an application from Ms K Samrai for the erection of house and garages after demolition of existing.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
- (DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
- (DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)
- DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

The site is within the Barford conservation area , but outside the village envelope as set out in the Warwick District Local Plan, 1995.

**RESOLVED** that application W2005/1807 be GRANTED subject to the following conditions:

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

## PLANNING COMMITTEE MINUTES (Continued)

- (2) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (3) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 2526/01F and /02A and specification contained therein, submitted on 31 October 2005, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (4) The existing trees and shrubs (except where shown to be removed) shall be retained in accordance with BS 5837:2005 and shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged, shall be replaced with trees of such size and species as may be agreed with the District Planning Authority. Before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (5) Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the

## PLANNING COMMITTEE MINUTES (Continued)

District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON:** To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.

NB: The Committee suggested that the bricks used should be of a similar colour as on existing property.

### 724. **MALLARDS REACH, BARFORD ROAD, BARFORD, WARWICK**

The Committee considered an application from Mr K Samrai for the demolition of a house.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)

(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)

DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version).

**RESOLVED** that application W2005/1808CA be GRANTED subject to the following conditions:

- (1) The works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON :** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under planning permission W05/1807 has been made. **REASON :** To ensure that the character of the conservation area is protected in accordance with policy ENV7 of the Warwick District Local Plan, 1995.

**725. SEWA HALL, HILL FARM, KING'S HILL LANE, STONELEIGH, COVENTRY**

The Committee considered an application from Mr G Samra for the retention of implement store and workshop.

The Head of Planning and Engineering considered that the following policies were relevant:

(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)  
(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)  
(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)  
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 Revised Deposit Version)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

**RESOLVED** that application W2005/1820:

(1) be REFUSED for the following reasons:

- (a) The site is situated within the Green Belt and the Warwickshire Structure Plan 1996-2011 together with the Warwick District Local Plan and Planning Policy Guidance Note 2 states that, within the Green Belt, the rural character of the area will be retained, protected and wherever possible enhanced. Local Plan policy (DW) ENV1 and emerging policy DAP1 of the second deposit version of the Local Plan (1996-2011) state that development will not normally be permitted, except in very special circumstances, for the construction of new buildings, unless it fulfils specific criteria. The proposed storage unit does not satisfy any of these criteria and, in the Planning Authority's view, very special circumstances for its retention sufficient to justify departing from the development plan have not been demonstrated.
- (b) The application site is within a Green Belt and Special Landscape Area, where both Structure Plan and Local Plan policy seek to conserve and protect the rural landscape. It is considered that the proposed storage unit would have a detrimental impact on the rural landscape due to visual intrusion and impact on the openness of the area and would thereby be contrary to policies GD.6 and ER.4 of the Warwickshire Structure Plan and Policies (DW) ENV1 and (DW) C8 of the Warwick District Local Plan and emerging policy DAP1 and DAP3 of the second deposit version of the Local Plan (1996-2011).

## PLANNING COMMITTEE MINUTES (Continued)

- (c) The application site adjoins residential properties where policy (DW) ENV3 of the Warwick District Local Plan and emerging policy DP2 of the second deposit version of the Local Plan (1996-2011) seek to resist development which would fail to harmonise with its surroundings in terms of land use. It is considered that the proposal would be detrimental to the residential amenities of the area by reason of the likely noise which the agricultural machinery business would generate, and would thereby prejudice the objectives of the policy.

(2) that enforcement action be AUTHORISED.

### 726. 16 AVON ROAD, WHITNASH, LEAMINGTON

The Committee considered an application from Mr S Jasiok for the erection of a single storey garage in rear garden.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).  
The 45 Degree Guideline (Supplementary Planning Guidance).

**RESOLVED** that application W2005/1839 be GRANTED subject to the following conditions:

- (1) The development hereby permitted shall be completed within six calendar months of the date of this permission and shall be carried out strictly in accordance with the details shown on the approved drawings, and specification contained therein, submitted on 8 November 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995.

### 727. 17 CROSS STREET, LEAMINGTON SPA

The Committee considered an application from Mr R Mackie for the erection of a two storey rear extension.

**RESOLVED** that application W2005/1851 be DEFERRED to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when considering the application.

**728. 63 COMMON LANE, KENILWORTH**

The Committee considered a report from The Head of Planning and Engineering seeking confirmation for Tree Preservation Order 291, a Weeping Willow situated at 63 Common Lane.

**RESOLVED** that TPO291 be DEFERRED to allow the owner of 63 Common Lane to provide further information on possible damage to drains at his own request.

**729. REVIEW OF DECISION MAKING PROCESS**

The Committee considered a report from the Head of Planning and Engineering which put forward the issues raised in the review of the decision making process undertaken in 2004, considered by full council on 19 January 2005 and reconsidered by Planning Committee on 3 August 2005.

Planning Committee approved a number of changes to the decision making process for planning applications at their meeting on 6 December 2004. The various changes were not ratified by full council of 19 January 2005 and were referred back to Planning Committee for further consideration on 3 August 2005 following a meeting of the working party who had considered the issues raised.

Planning Committee reconfirmed their acceptance of the main changes at the August meeting, all as set out in the Appendices to the committee report prepared at that time but also resolved that the matter be included on the agenda for the Planning Forum of 26 September so that the forum's views could be obtained before finally considering the matter.

**RESOLVED** that

That Planning Committee recommend to full Council that with effect from 1 February 2006:-

- (1) the amended Scheme of Delegation as set out in Appendix B be approved;
- (2) the procedure for public speaking as set out in Appendix C be approved;
- (3) the procedure for Committee Site Inspections as set out in Appendix D be approved;
- (4) that a briefing note be prepared for ward Councillors and Parish/Town Councils on the agreed changes; and
- (5) that a further report on the impact of any finally approved amendment to the current delegation agreement be made to Planning Committee after 12 months of operation

(The meeting ended at 9.45pm)