

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 18 November 2009 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor MacKay (Chairman): Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dean, Mrs Higgins, Illingworth, Kinson and Rhead.

217. DECLARATIONS OF INTEREST

Minute Number 219 – W09/1062 – 3 Newbold Street, Leamington Spa

Councillor Mrs Dean declared a personal interest because the application site was in her ward and her employer, Warwick University, had written a letter of support.

Minutes Number 221 – W09/0592 – 66 Mercia Way, Warwick

Councillor Mackay declared a personal interest because the objector was known to him.

Minute Number 222 – W09/1205 – 42 Arthur Street, Kenilworth

Councillor Mobbs declared a prejudicial interest as he was a Kenilworth Town Councillor and they had objected to the application. Councillor Mobbs left the room whilst the item was discussed.

Minute Number 223 – W09/1152 – Land rear of 29 Windy Arbour, Kenilworth

Councillor Mrs Bunker declared a personal interest because the site of the application was in her ward.

Councillor Mobbs declared a personal interest because the applicant was known to him.

Minute Number 224 – W09/1158 – Land rear of 29 Windy Arbour, Kenilworth

Councillor Mrs Bunker declared a personal interest because the site of the application was in her ward.

Councillor Mobbs declared a personal interest because the applicant was known to him.

Minute Number 231 – Part C – Other Matters – Barford Village Design Statement

Councillor Barrott declared a personal interest as he was a resident of the village.

PLANNING COMMITTEE MINUTES (Continued)

218. MINUTES

The minutes of the meeting held on 28 October 2009 were confirmed as a correct record.

219. W09/1062 – 3 NEWBOLD STREET, LEAMINGTON SPA

The Committee considered an application from WAC Investments Ltd for conversion from offices to an eight bedroom House in Multiple Occupation (HIMO).

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

The case officer considered the following policies to be relevant to the application:

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

DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

TCP9 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that there were considered to be sufficient material circumstances in this case to warrant an exception to policy TCP9 being made, since a beneficial use for a vacant (former residential) listed building would be achieved and an improvement to the character of the Conservation Area would be secured.

The following people addressed the Committee:

Councillor Crowther

Ward Councillor (Supporting)

Following consideration of the officer's report and presentation, information contained in the addendum and the representations made by the Ward Councillor, the Committee were of the opinion that the application should be granted, in accordance with the officer's recommendation.

RESOLVED that application W09/1062 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 COMMITTEE MINUTES (Continued)

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 and specification contained therein, submitted on 26 August 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) The rear yard shall be kept available and free from obstruction at all times for use as a car park, cycle store and bin store for use by occupants of the HIMO hereby approved, unless otherwise agreed in writing by the District Planning Authority. **REASON:** To ensure that there are adequate car/ cycle parking and refuse storage facilities to serve the development, in accordance with policies DP1 and DP8 of the Warwick District Local Plan 1996-2011; and
- (4) The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

220. W09/1165 – NORTHLEIGH HOUSE, FIVE WAYS ROAD, SHREWLEY, WARWICK

The Committee considered an application from Mrs V Morgan for the change of use from 'Bed & Breakfast' accommodation to learner centre for up to fifteen children.

PLANNING COMMITTEE MINUTES (Continued)

This application was presented to Committee by Councillor Gallagher, and was also being presented because the Parish Council were in support of the application, and the recommendation was for refusal.

The case officer considered the following policies to be relevant to the application:

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

SC7 - Directing Community Facilities (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the application be refused as it was.

The following people addressed the Committee:

Dr Carrie Herbert Supporter

Councillor Mrs Gallagher Ward Councillor (Supporting)

It was proposed and duly seconded that the application should be granted contrary to the officers recommendation as the social need, and specific merits of the case outweighed the policy commitment.

This vote was won eight votes to two.

RESOLVED that application W09/1165 be GRANTED subject to the following conditions:

(1) See MH or JB for conditions.

221. W09/0592 – 66 MERCIA WAY, WARWICK

The Committee considered an application from Mr Marshall for the construction of two new dwellings on the existing residential garden adjacent to number 66 Mercia Way.

The application was presented to Committee due to the site being within the Area of Restraint and due to the number of objections received.

The case officer considered the following policies to be relevant to the application:

DAP2 - Protecting the Areas of Restraint (Warwick District Local Plan 1996 - 2011)

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

DP10 - Flooding (Warwick District Local Plan 1996 - 2011)

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP5 - Density (Warwick District Local Plan 1996 - 2011)

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

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The case officer was of the opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of flood risk or impact on the generally open character of the Area of Restraint which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Mr Kenton	Objector
Councillor Mrs Mellor	Ward Councillor (objecting)

Following consideration of the officer's report and presentation, information contained within the addendum and the representations made the Committee were of the opinion that the application be refused contrary to the officers recommendations. This motion was proposed and duly seconded and the vote was won.

Following advice from officers, the Committee were concerned that the Flood Risk Assessment was inaccurate and flawed. The information contained therein was not accurate and Members felt they had lost confidence in the advice put forward by the Environment Agency.

It was therefore proposed and duly seconded that the decision for refusal be disregarded and a second motion be proposed that the application be deferred so that a satisfactory Flood Risk Assessment could be carried out. This proposal was seconded, the vote taken and won.

RESOLVED that application W09/0592 be DEFERRED in order that a satisfactory Flood Risk Assessment could be carried out.

222. W09/1205 – 42 ARTHUR STREET, KENILWORTH

The Committee considered an application from Mr Farralley for the erection of side and rear extension (part two storey, part single storey) to form larger kitchen area, dining room and work room on the ground floor and new bedroom with en-suite facilities on the first floor.

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

The case officer considered the following policies to be relevant to the application:

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

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

PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

Councillor Shilton	Town Council (objecting)
Mr Dingley	Objector
Mr Farralley	Applicant

Following consideration of the officer's report and presentation and the representations made the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation.

RESOLVED that application W09/1205 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; and
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing 171-02 A, and specification contained therein, submitted on 29th September, 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

223. W09/1152 – LAND REAR OF 29 WINDY ARBOUR, KENILWORTH

The Committee considered an application from Mr Simmons for the erection of two bungalows (amended design).

The application was presented to Committee because an objection had been received from Kenilworth Town Council, together with a number of objections from neighbours

The case officer considered the following policies to be relevant to the application:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP5 - Density (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

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DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

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

SC10 - Managing Housing Supply (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of loss of residential amenity, traffic safety, or surface water drainage which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Mr Eccles Objector

The application was considered in conjunction with application W09/1158 (Minute Number 224), which was the next item on the agenda. Therefore, the public speaker who addressed the Committee with regard this application also made his comments in relation to that application and only addressed the Committee once.

Following consideration of the officer's report and presentation, the information provided within the addendum and the representations made the Committee were of the opinion that the application should be granted in accordance with the officers recommendations.

RESOLVED that application W09/1152 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 no. 4481/08 and /09, and specification contained therein, submitted on 17th September 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and

PLANNING COMMITTEE MINUTES (Continued)

approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

- (4) A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (5) No development shall be carried out on the site which is the subject of this permission, until details of the sustainable drainage system, including the discharge route, 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 that the risk of flooding is minimised in accordance with Policy DP10 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (6) The development shall not be first occupied until all the works within the submitted energy statement scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with the manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP3 in the Warwick District Local Plan 1996-2011;
- (7) The features specified in the Sustainable Buildings Statement shall be provided as part of the construction of the dwellings and shall thereafter be maintained in working condition. **REASON :** To ensure compliance with Policy DP13 of the Warwick District Local Plan 1996-2011;
- (8) The development shall not be commenced until the existing vehicular access to the site has been widened and remodelled and the existing dropped kerb has been extended so as to provide an access not less than 5 metres in width at any point for a distance of 7.5m into the site, as measured from the near edge of the public highway carriageway. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (9) The vehicular access to the site shall not be used until visibility splays have been provided to the public highway carriageway with an 'x' distance of 2.4metres and 'y' distances of 40 metres. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (10) 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 development shall be carried out which comes within Part 1 of Schedule 2 of this Order, without the prior permission of the

PLANNING COMMITTEE MINUTES (Continued)

District Planning Authority. **REASON** : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

224. W09/1158 – LAND REAR OF 29 WINDY ARBOUR, KENILWORTH

The Committee considered an application from Mr Simmons for the erection of two bungalows (amended designs), to include additional Art Room to Plot One and a Utility Room to Plot 2.

The case officer considered the following policies to be relevant to the application:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP5 - Density (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
SC10 - Managing Housing Supply (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the application achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of impact on neighbours, the street scene, or drainage problems which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Mr Eccles Objector

Following consideration of the officer's report and presentation, the information provided within the addendum and the representations made the Committee were of the opinion that the application should be granted in accordance with the officers recommendations.

RESOLVED that application W09/1158 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

PLANNING COMMITTEE MINUTES (Continued)

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 no. 4481/10 & /11, and specification contained therein, submitted on 21st September 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on

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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 DP1 of the Warwick District Local Plan 1996-2011;

- (5) No development shall be carried out on the site which is the subject of this permission, until details of the sustainable drainage system, including the discharge route, 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 that the risk of flooding is minimised in accordance with Policy DP10 of the Warwick District Local Plan 1996-2011;
- (6) The development shall not be first occupied until all the works within the submitted energy statement scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with the manufacturers specifications. **REASON**: To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP3 in the Warwick District Local Plan 1996-2011;
- (7) The features specified in the Sustainable Buildings Statement shall be provided as part of the construction of the dwellings and shall thereafter be maintained in working condition. **REASON** : To ensure compliance with Policy DP13 of the Warwick District Local Plan 1996-2011;
- (8) The development shall not be commenced until the existing vehicular access to the site has been widened and remodelled and the existing dropped kerb has been extended so as to provide an access not less than 5 metres in width at any point for a distance of 7.5m into the site, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (9) The vehicular access to the site shall not be used until visibility splays have been provided to the public highway carriageway with an 'x' distance of 2.4metres and 'y' distances of 40 metres. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (10) 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 development shall be carried out which comes within Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

225. W08/119LB – WARWICK MUSEUM, MARKET PLACE, WARWICK

The Committee considered an application from Warwickshire County Council for the relocation of main entrance to provide new ramped access, glazed sliding door and security bollards. Reinstatement of existing window to infill old entrance bay, alteration of internal timber partitions and replacement of glazing to all ground floor windows.

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

The application was referred by Planning Committee on 29 October 2008 to the Secretary of State, and subsequently approved by the Secretary of State on 11 December 2008.

The case officer considered the following policies to be relevant to the application:

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

The case officer was of the opinion that the development would

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation.

RESOLVED that the amendment be APPROVED and referred to the Secretary of State.

226. W09/0079 – THE LODGE, RYE HOUSE, CATESBY LANE, LAPWORTH, SOLIHULL

The Committee considered an application from Mr E Grove for the erection of a replacement dwelling with detached garage after demolition of The Lodge.

The application was presented to Committee because an objection had been received from Lapworth Parish Council.

The case officer considered the following policies to be relevant to the application:

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

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

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

RAP3 - Replacement Dwellings (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that proposed replacement dwelling was not materially larger than the existing dwelling and did not result in a greater impact on the character and openness of the rural Green Belt area. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation.

RESOLVED that application W09/0079 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) (Site Access and Layout Plan; 4463:10), and specification contained therein, submitted on 21 September

PLANNING COMMITTEE MINUTES (Continued)

2009 and 2 February 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 The development hereby permitted (including demolition) shall not commence until a further bat survey of the site, to include a day/night time activity survey, preferably during May to August, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON**: To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 4 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 6 Prior to commencement of the development hereby approved, details of a porous surface

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treatment for the drive or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, shall have been submitted to and approved by the District Planning Authority. The drive shall be constructed and surfaced, in full accordance with the approved details. **REASON** : To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.

- 7 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 development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : This building replaces one which has been extended and it would not be appropriate to allow further permitted development in this rural Green Belt area, in accordance with the provisions of Policies DAP1 and RAP2 of the Warwick District Local Plan 1996-2011.

227. W09/0351 – THE WALNUT TREE PUBLIC HOUSE, CROWN WAY, CUBBINGTON ROAD, LILLINGTON, LEAMINGTON SPA

The Committee considered an application from Tesco Stores Ltd for the erection of 42 square meter single storey rear extension and change of use of first floor to residential use (Class C3).

When granting planning permission W09/0351 for the erection of a 42 sq.m. single storey rear extension and change of use of first floor to residential use (Class C3) at the meeting on 16th September 2009, the Planning Committee resolved that details of any external lighting submitted to seek discharge (in part) of Condition 11 should be reported to them for their consideration.

The case officer considered the following policies to be relevant to the application:

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the details of external lighting detailed in the applicants agents letter of 27th October 2009 and attachments thereto be

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approved as discharging, in part, Condition 11 of planning permission W09/0351.

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

RESOLVED that the details of external lighting detailed in the applicant's agents letter of 27th October 2009 and attachments thereto be approved as discharging, in part, Condition 11 of planning permission W09/0351.

228. W09/0940 – THE STABLES, 92 BRIDGE END, WARWICK

The Committee considered an application from Mr Mason for the erection of a single storey side extension and front porch, construction of dormers to front and rear, alterations to rear roof and rebuilding of home office in rear garden.

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

A site visit was undertaken by Members of the Committee on

The case officer considered the following policies to be relevant to the application:

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

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

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

RESOLVED that application W09/0940 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; and

PLANNING COMMITTEE MINUTES (Continued)

- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 0906/P/01,0906/P/02,0906/P/03,0906/P/04, and specification contained therein, submitted on 29th July 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) No development shall be carried out on the site which is the subject of this permission, until details of the type, style, colour and pattern of the block paving 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 DAP8 of the Warwick District Local Plan 1996-2011.

229. W09/1043 – 20 MYTON GARDENS, WARWICK

The Committee considered an application from Dr Purewal for the addition of two number two storey rear extensions, a first floor rear extension and a first floor side extension over the existing garage, the addition of a rear conservatory and alterations to existing front porch. (Amended design to W09/0618).

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

The case officer considered the following policies to be relevant to the application:

The 45 Degree Guideline (Supplementary Planning Guidance)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

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

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W09/1043 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) (1; 6; 7), and specification contained therein, submitted on 20 August 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

The first floor windows in the South East elevation of the extension hereby permitted shall be obscure glazed and non-opening unless the parts of the windows that can be opened are more than 1.7 metres above the floor of the room in which the window is installed and retained as such at all times thereafter. **REASON** : To protect the amenity of the occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

230. W09/1190 – 73 HEATHCOTE ROAD, WHITNASH, LEAMINGTON SPA

The Committee considered an application from Mr Woof for the erection to two storey side extension and single storey side and rear extensions.

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

The case officer considered the following policies to be relevant to the application:

The 45 Degree Guideline (Supplementary Planning Guidance)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

PLANNING COMMITTEE MINUTES (Continued)

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

Following consideration of the officer's report and presentation, and the information and additional condition detailed in the addendum, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation.

RESOLVED that application W09/1190 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) 155-01.02 & 155-03.02, and specification contained therein, submitted on 3 November 2009, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; 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 DP1 of the Warwick District Local Plan 1996-2011.

231. BARFORD VILLAGE DESIGN STATEMENT

The Committee received a report from the Planning Department which detailed a Village Design Statement, prepared by the Barford Parish Plan Committee. Barford, Sherbourne and Wasperton Joint Parish Council had asked that the Council use the document as guidance when determining planning applications.

The report recommended to the Committee how the Council should use the Statement in undertaking its planning responsibilities.

PLANNING COMMITTEE MINUTES (Continued)

An alternative would be not to accept the Village Design Statement which would not be in line with the general wishes of the Barford Parish Council in their aim to promote better design in the village of Barford.

It was the officers recommendation that the sections title Land Between Village & Bypass and Land Around Barford House should not be adopted as guidance but the remainder of the document was very useful.

RESOLVED that the Barford Village Design Statement as attached as an appendix to the report as non-statutory planning guidance for use in development control decision making and enforcement matters in the parish of Barford alongside all other relevant Local Plan policies and guidance, with the exception of the sections of the Statement on pages 16 and 17 in relation to 'land between village and bypass' and 'land around Barford House', be approved.

(The meeting ended at 10.00 pm)