

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 21 August 2007 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

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

351. DECLARATIONS OF INTEREST

Minute Number 352 – W05/2081 – Dairy House, 60 Kenilworth Road, Royal Leamington Spa

Councillor Copping declared a personal and prejudicial interest because he had previously determined the application as a member of the Royal Leamington Spa Town Council and spoke publicly at the meeting in objection to this item. He left the room whilst the item was considered.

Minute Number 355 – W07/1136 – 12 Hawkesworth Drive, Kenilworth

Councillor Mrs Bunker declared a personal interest because she was Ward Councillor for the application site.

Minute Number 368 – TPO 338 – 5, 6 & 7 Ferndale Drive, Kenilworth

Councillor Mrs Bunker and Councillor Illingworth declared personal interests because they knew the residents of 5, 6 and 7 Ferndale Drive, Kenilworth.

352. DAIRY HOUSE, 60 KENILWORTH ROAD, ROYAL LEAMINGTON SPA

The Committee considered an application from CB Properties (Midlands) for the Conversion and extension of office building to form 8 no. apartments.

The application was considered by this Committee on 4 May 2006, when it was resolved that planning permission should be granted, subject to a Section 106 agreement to secure 100% affordable housing. The application was now being referred back to Committee because no substantial progress had been made towards completing the Section 106 agreement.

The Committee considered the additional information on the application which had been circulated as part of the addendum.

The following people addressed the Committee:

Councillor Copping Town Councillor – Objecting

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

RESOLVED that if either within three weeks of the date of this meeting a costs undertaking is not given to the Head of Legal Services together with full details of the land title or if a Section 106 Agreement to secure 100% affordable housing is not completed within six weeks of the date that the applicant or the applicants solicitors receive from the Council a copy of such a draft agreement, authorisation be delegated to the Head of Planning and Engineering to REFUSE planning permission. The reasons for refusal shall be because the application is for a windfall housing development that does not meet one of the criteria set out within the Council's supplementary planning document: "Managing Housing Supply". This policy seeks to limit the over-provision of new homes in the District in accordance with policies CF3 and CF6 in the Regional Spatial Strategy, policy H.1 in the Warwickshire Structure Plan and policies UAP1 and SC8a in the Warwick District Local Plan (Revised Deposit Version). To permit the development would, therefore, be contrary to the aforementioned policies.

353. CHERRY TREE BARN, LEAMINGTON HALL FARM, FOSSE WAY, CHESTERTON

The Committee considered an application from Mr Howes and Ms Townsend for erection of first floor extension to part of single storey dwelling.

The application was presented to Committee because five letters of support had been received and it was recommended for refusal.

The Head of Planning and Engineering had recommended that the application be refused because it did not comply with the following policies:

(DW) C3 - Criteria for the Conversion of Rural Buildings (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)

(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)

RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 Revised Deposit Version)

RAP8 - Converting Rural Buildings (Warwick District 1996 - 2011 Revised Deposit Version)

The following people addressed the Committee:

Mrs D Townsend	Applicant
Mrs S McLaughlin	Supporter
Councillor Kirton	Ward Councillor

PLANNING COMMITTEE MINUTES (Continued)

The application was been requested to be presented to Committee by Councillor Shilton.

The Head of Planning and Engineering had recommended that the application be refused because it did not comply with the following policies:

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

(DW) H15 - Conversion of Existing Residential Property (Warwick District Local Plan 1995)

H.1 - Provision of Housing Land (Warwickshire Structure Plan 1996-2011).

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

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

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

DP8 - Parking (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

CF3 - Levels and Distribution of Housing Development (Regional Planning Guidance 11 - June 2004)

CF6 - Managing Housing Land Provision (Regional Planning Guidance 11 - June 2004)

Managing Housing Supply (Supplementary Planning Document)

SC8a - Managing Housing Supply (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

UAP1 - Directing New.

The following people addressed the Committee:

Mr J Wilson Agent

Following consideration of the officers' report, presentation and submission by the public addressing the Committee, the Committee were of the opinion that the application should be refused in line with the officer's recommendations.

RESOLVED that

(1) application W07/1136 be REFUSED for the following reasons:

- (1) the application is for a windfall housing development that does not meet one of the criteria set out within the Council's supplementary planning document: "Managing Housing Supply". This policy seeks to limit the over-provision of new homes in the District in accordance with policies CF3 and CF6 in the Regional Spatial Strategy, policy H.1 in the Warwickshire Structure Plan and policies UAP1 and SC8a in the Warwick District Local Plan (Revised Deposit Version). To permit the development would, therefore be contrary to the aforementioned policies.

Furthermore, the type of extra unit created is one for which study data clearly indicates low need;

- (2) this dwelling forms part of a terrace of town houses and its conversion into two dwellings would involve the loss of the existing garage, leaving the restricted front parking area as the only space for parking and access to the front doors of the two units. This restricted width and depth would result not only in inadequate space between the parked vehicles to reach the front doors, but also in vehicles being pulled up very close to the front doors thereby leaving restricted access to the two flats. In the opinion of the District Planning Authority this would constitute an overdevelopment of the site contrary to Policy (DW) ENV3 and (DW) H15 of the Warwick District Local Plan 1995, as well as Policies DP1 and DP2 of the emerging Warwick District Council Local Plan 1996-2011;
- (3) the density of development in the Hawksworth Drive/Alpine Court area is already resulting in on-street parking problems to the detriment of the amenities of the area and the safety of pedestrians and to grant consent, therefore, would be likely to lead to additional on-street parking thereby exacerbating the existing problems contrary to Policies (DW) ENV3 and (DW) H15 of the Warwick District Local Plan as well as Policies DP1 and DP2 of the emerging Warwick District Local Plan 1996-2011;

RESOLVED that application W07/1175 be DEFERRED to allow for a site visit to take place because the Committee felt it would be of significant benefit to them when determining the application.

357. SPINNEY FARM, BANBURY ROAD, BISHOPS TACHBROOK

The Committee considered an application from Mr Holton for the re-alignment of existing access involving construction of 7.5 metre radius junction, widening of track to 5 metres and the erection of gates set back 20 metres and erection of brick walls and pier after partial demolition of existing brick walls and pier.

The application was presented to Committee because an objection had been received from Bishops Tachbrook Parish Council. This item was withdrawn from the agenda for the Planning Committee meeting held on 1 August 2007 owing to the late notification of the Clerk of the Parish Council of public speaking rights which resulted from the correspondence being accidentally addressed to the former Clerk.

The Head of Planning and Engineering had recommended that the application be granted because he felt that it complied with the following policies:

QE5 - Protection and Enhancement of the Historic Environment (Regional Planning Guidance 11 - June 2004)

QE6 - The Conservation, Enhancement and Restoration of the Region's Landscape (Regional Planning Guidance 11 - June 2004)

ER.1 - Natural and Cultural Environmental Assets (Warwickshire Structure Plan 1996-2011).

ER.4 - Protection and Enhancement of the Landscape (Warwickshire Structure Plan 1996-2011).

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

(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

DP1 - Layout and Design (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)

DAP6 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

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

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

RESOLVED that application W07/0330 be GRANTED, subject to the following conditions:

- (1) the existing vehicular access to the site from Banbury Road shall be widened to 5 metres for a distance of 20 metres into the site, as measured from the near edge of the public highway carriageway, surfaced with a bound macadam material and provided with 7.5 metre kerbed radius turnouts on each side, within three months of the date of this permission. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (2) gates provided at the entrance to the site shall not be hung so as to open to within 20 metres of the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (3) before any works on the access commence, a suitable signing scheme for the period of construction, in accordance with chapter 8 of the Traffic Signs Manual, shall be provided on the approach to the access along the public highway. Such scheme shall be agreed in accordance with the directions of Warwick District Area Team at the expense of the developer. **REASON**: To comply with highway safety requirements, in accordance with policy ENV3 of the Warwick District Local Plan 1995.

358. SPINNEY FARM, BANBURY ROAD, BISHOPS TACHBROOK

The Committee considered an application from Mr M Holton for a part retrospective application for the retention of single storey building with alterations - wider door for vehicular access, smaller windows and a clay tile roof with drainage to existing under ground tanks, to accommodate farrowing pigs.

The application was presented to Committee because an objection from the Bishops Tachbrook Parish Council had been received. The item had been withdrawn from the agenda for the Planning Committee meeting of 1 August 2007 owing to the late notification of the Clerk of the Parish Council of public speaking rights which resulted from the correspondence being accidentally addressed to the former Clerk.

PLANNING COMMITTEE MINUTES (Continued)

The Head of Planning and Engineering had recommended that the application be granted because he felt that it complied with the following policies:

PA15 - Agriculture and Farm Diversification (Regional Planning Guidance 11 - June 2004)

QE5 - Protection and Enhancement of the Historic Environment (Regional Planning Guidance 11 - June 2004)

QE6 - The Conservation, Enhancement and Restoration of the Region's Landscape (Regional Planning Guidance 11 - June 2004)

ER.1 - Natural and Cultural Environmental Assets (Warwickshire Structure Plan 1996-2011).

ER.4 - Protection and Enhancement of the Landscape (Warwickshire Structure Plan 1996-2011).

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

(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

DP1 - Layout and Design (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)

DAP6 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

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

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

RESOLVED that application W07/0060 be GRANTED, subject to the following conditions:

- (1) unless, within 6 months of the date of this decision, the proposed scheme for junction improvements, including setting back of gates and alterations to existing gate piers and walls, shown on the revised drawing no. 1024/P/003, that is submitted with the planning application reference W07/0330, is implemented in full, the agricultural use within the building shall cease and the building shall be demolished. **REASON:** In the interests of highway safety;
- (2) the agricultural use within the buildings shall cease and the building shall be demolished unless the enforcement notice appeal reference ACT 256/25/07 results in the enforcement notice being quashed or varied and planning permission being granted or unless the following requirements are met within 12 months of the date of this planning permission.

- A. All proposed works to adapt the existing unauthorised building shown on the amended plan, reference 1024/1/A submitted on 26th June 2007, are implemented in full;
- B. The double glazed, wooden framed windows shall be replaced by single glazed metal windows; and
- C. A 1.8 metre wide internal corridor, which is the minimum working corridor for a 'bobcat', or similar type of machine, has been created by altering the internal partitions for the farrowing pens, in accordance with an internal layout drawing that shall first be submitted to and approved, in writing, by the District Planning Authority.

REASON: Without the proposed adaptations the non-agricultural design and appearance would be retained which would cause unacceptable harm to both the character and appearance of the countryside and the curtilage of the Greys Mallory house listed building;

- (3) there shall be no use of the loft area as an office, store, pig nursery unit or other ancillary agricultural uses without the written permission of the District Planning Authority: **REASON:** To define the scope of the permission and to ensure that the District Planning Authority has control over any future ancillary agricultural developments in the interests of character and appearance of the countryside and to protect the curtilage of the Greys Mallory house listed building; and
- (4) there shall be no alterations to the building in terms of new door and windows openings or alterations to existing door and window openings without the written permission of the District Planning Authority. **REASON:** To ensure that any future alterations to the external appearance of the building do not result in a reversion to a non agricultural design and appearance in the interests of protecting the character and appearance of the countryside and the curtilage of the Greys Mallory house listed building.

359. SPINNEY FARM, BANBURY ROAD, BISHOPS TACHBROOK

The Committee considered a retrospective application from Mr Holton for the erection of a range of single storey brick pig sties for sow and gilt pigs and with drainage to existing underground tank.

The application was presented to Committee because an objection had been received from Bishops Tachbrook Parish Council and was associated with applications, W07/0060, 'Farrowing House' and W07/0330 'Access'.

The Head of Planning and Engineering had recommended that the application be granted because he felt that it complied with the following policies:

PA15 - Agriculture and Farm Diversification (Regional Planning Guidance 11 - June 2004)

QE5 - Protection and Enhancement of the Historic Environment (Regional Planning Guidance 11 - June 2004)

QE6 - The Conservation, Enhancement and Restoration of the Region's Landscape (Regional Planning Guidance 11 - June 2004)

ER.1 - Natural and Cultural Environmental Assets (Warwickshire Structure Plan 1996-2011).

ER.4 - Protection and Enhancement of the Landscape (Warwickshire Structure Plan 1996-2011).

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

(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

DP1 - Layout and Design (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)

DAP6 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

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

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

RESOLVED that application W07/0328 be GRANTED, unless, within 6 months of the date of this decision, the proposed scheme for junction improvements, including setting back of gates and alterations to existing gate piers and walls, shown on the revised drawing no. 1024/P/003, that is submitted with the planning application reference W07/0330, is implemented in full, the newly constructed single storey buildings and associated walled enclosures shall be demolished. **REASON:** In the interests of highway safety.

360. ZETLAND ARMS, 11 CHURCH STREET, WARWICK

The Committee considered an application from Mr I E Jones for alterations to external rear steps, and erection of a covered smoking area.

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

The application had previously been deferred at the Planning Committee meeting held on 1 August 2007 to allow for more detailed drawings to be submitted.

The Head of Planning and Engineering had recommended that the application be granted because he felt 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).

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

DAP6 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

Following consideration of the officers' report and presentation the Committee were of the opinion that the application should be refused against the officer's recommendation.

RESOLVED that application W07/0982 be REFUSED because it was not in keeping with the listed building and was unsympathetic to the design of the building.

361. LAND AT PORTOBELLO WORKS, EMSCOTE ROAD, PORTOBELLO, WARWICK

The Committee considered a retrospective application from Gallagher Estates and Pettifer Estates for the erection of a two storey medical surgery with associated car parking area and detached three storey office building.

The application was presented to Committee because of the important issue regarding the provision of employment land that needed to be resolved.

The Head of Planning and Engineering had recommended that the application be granted because he felt 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).

DP10 - Flooding (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

PLANNING COMMITTEE MINUTES (Continued)

UAP2 - Directing New Employment Development (Warwick District 1996 - 2011 Revised Deposit Version)

The Committee considered the additional information on the application which had been circulated as part of the addendum.

Following consideration of the officers' report and presentation, the Committee were of the opinion that the application should be granted in line with the officer's recommendations along with the three additional conditions stated in the addendum.

RESOLVED that application W07/01029 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, 2292-01A, 02A, 03L, 05A, 07, 08B and 09C and specification contained therein, submitted on 12 June, 2 July 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;

- (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;
- (5) no development shall be carried out on the site which is the subject of this permission, until details of a mechanical wheel wash (including type, position, method of operation and control of use) have been submitted to and approved by the District Planning Authority. The wheel wash shall be installed in full accordance with such approved details before commencement of the development. **REASON** : To prevent spread of mud onto the public highway;
- (6) no development shall be carried out on the site which is the subject of this permission, until details of the means of disposal of foul and surface water 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 proper facilities exist for the disposal of foul and surface water, in accordance with policy DP1 of the second deposit version of the Warwick District Local Plan and also DP11 1996-2011;

- (7) no development shall be carried out on the site which is the subject of this permission, until details of the provision of parking on site (for the loading/unloading of all vehicle types connected with building operations) 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 safety of the highway, in accordance with policy DP1 of the second deposit version of the Warwick District Local Plan 1996-2011;
- (8) the development shall not be commenced until visibility splays have been provided to the public highway carriageway with an 'x' distance of 2.4 metres and 'y' distances to the tangent point of the nearside bend as measured from the near edge of the public highway carriageway. No structure, erection, trees or shrubs exceeding 0.6m metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined, nor overhang below a height of 2 metres above the level of the public highway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (9) the vehicular access to the site shall not be used until it has been provided with a 6 metre kerbed radius turnout on the west side and a 4.5 metre radius on the east side. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (10) gates/doors provided at the entrance to the site shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;

PLANNING COMMITTEE MINUTES (Continued)

- (11) the vehicular access for the development hereby permitted shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or ditch.
REASON : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (12) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority.
REASON : In the interests of fire safety;
- (13) the development shall not be commenced until a turning area has been provided so as to enable vehicles to leave and re-enter the public highway in forward gear. **REASON** :To ensure safety of the highway, in accordance with policy DP1 of the second deposit version of the Warwick District Local Plan 1996-2011;
- (14) the development hereby permitted shall be used for a medical surgery and Offices and for no other purpose including any other purpose in Class B1 and D1 of Parts B and D respectively 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 : Since there are considered to be special circumstances justifying the granting or permission for the uses proposed, given the background of the previous permission for an employment use on this site;
- (15) the use of the development hereby permitted shall not be commenced until an appropriate public access route is provided from Emscote Road to link with the footway of the development road. **REASON**: In order to aid pedestrian access to the medical surgery premises;

- (16) there shall be no storage of any material including soil within that part of the site liable to flood as shown on the hatched drawing No. EA1, unless otherwise agreed in writing with the Local Planning Authority;
- (17) floor levels shall be set at least 600mm above the highest recorded flood level of 48.28m above Ordnance Datum, unless otherwise agreed in writing with the Local Planning Authority; and
- (18) there shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of watercourses, unless agreed otherwise in writing by the Local Planning Authority.

362. 8 HIGH STREET, WARWICK

The Committee considered an application from Mr D Wetherby-Blythe for a display of fascia signage and one trough illuminated projecting sign.

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

The Head of Planning and Engineering had recommended that the application be granted in line 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) ENV11 - Retention of Listed Buildings (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 Local Plan 1996 - 2011 Revised Deposit Version)

DAP6 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

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

RESOLVED that application W07/01051 be GRANTED, subject to the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (no. 3036/17B submitted on 7 August 2007 and 3036/18 submitted on 9 July 2007), and specification contained therein, 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.

363. 8 HIGH STREET, WARWICK

The Committee considered an application from Mr D Wetherby-Blythe for a display of fascia signage and one trough illuminated projecting sign.

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

The Head of Planning and Engineering had recommended that the application be granted because he felt that it complied with the following policies: (DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995) DAP6 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

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

RESOLVED that application W07/1167LB 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 development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (no. 3036/17B submitted on 7 August 2007 and 3036/18 submitted on 9 July 2007), and specification contained therein, 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.

364. 19 CHANDLERS ROAD, WHITNASH

The Committee considered an application from Mr P Murphy for the erection of single storey front, side and rear extensions.

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

The Head of Planning and Engineering had recommended that the application be granted in line with the following policies:

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

The 45 Degree Guideline (Supplementary Planning Guidance).

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

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

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

RESOLVED that application W07/1082 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) WL03/002A, and specification contained therein, submitted on 3 August 2007, 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) the side kitchen window in the south facing elevation of the single storey side extension hereby permitted shall be non-opening and obscure glazed and retained as such at all times thereafter. **REASON :** To protect the amenity of the occupiers of nearby properties; and

- (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 in the south facing elevation of the single storey side extension hereby permitted. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected.

365. LINDEN LODGE, OFFCHURCH ROAD, HUNNINGHAM

The Committee considered an application from Mr & Mrs Swaby for the erection of triple garage with office, bedroom on ground floor and first floor games room, and bedroom and bathroom after demolition of existing garage and stable block.

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

The Head of Planning and Engineering had recommended that the application be granted because he felt that it complied with the following policies:

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

(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).

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

RA.1 - Development in Rural Areas (Warwickshire Structure Plan 1996-2011).

(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)

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

The Committee considered the additional information on the application which had been circulated as part of the addendum.

Following consideration of the officers' report and presentation, the Committee were of the opinion that the application should be granted in line with the officer's recommendations along with an additional condition, to become condition 5, regarding demolition of existing building and the Warwickshire County Council condition to become condition number six which was detailed in the addendum.

RESOLVED that application W07/1097 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 drawings and specification contained therein, 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 main dwelling house. **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) this permission authorises the use of the structure as garaging and ancillary accommodation to the main house known as Linden Lodge, Offchurch Road and shall not be construed as permitting the erection of a separate dwelling unit. **REASON:** The site is within the designated Green Belt and outside of an identified growth village and therefore, to allow a separate dwelling unit would be contrary to the objectives of Policy RAP2 of the Warwick District Local Plan 1996-2011 (revised deposit version);
- (5) demolition of existing buildings before occupation; and

- (6) the development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works shall have been given to the Warwickshire Museum as the nominated representative of the District Planning Authority (contact the Planning Archaeologist on 01926 412734, email: planningarchaeologist@warwickshire.gov.uk) During the construction period the developer shall afford access at all reasonable times to representatives of the Museum and shall allow them to observe the excavations and record items of interest. **REASON:** To ensure any items of archaeological interest are adequately investigated, recorded and if necessary protected, in order to satisfy the requirements of Policy ENV22 of the Warwick District Local Plan 1995.

366. REVOCATION OF SECTION 106 AGREEMENT – THE ORCHARD, SANDY LANE, BLACKDOWN

The Committee received a report from the Planning Officer to consider the revocation of the Section 106 Agreement relating to The Orchard, Sandy Lane, Blackdown, so that it no longer had any legal effect.

In 1993 (ref: W93/0080) following several refused applications, permission was granted by the Planning Committee for a replacement bungalow with integral garage. The design and overall size was such that it reflected the scale of the timber chalet which was previously on site. Attached to the permission were various conditions, including one which removed permitted development rights. As part of the recommendation for granting permission, the applicant agreed to enter into a Section 106 Agreement.

In 1994 (ref: W94/1288) permission was granted for the conversion of the integral garage to a dining room together with the erection of a detached single garage. More recently in 2005 (ref: W05/1539) the Planning Committee granted consent for a single storey rear extension and agreed an amendment to the s.106 to allow development to be carried out. A further application in 2006 (ref: W06/1967) was granted for a single storey rear extension, again with an agreement to amend the s.106 to enable the development to take place.

The site was located off Sandy Lane, quite close to the roundabout junction with Leicester Lane and Lillington Road. It was within the designated Green Belt and was screened by mature hedges and trees and therefore was not widely visible from Sandy Lane.

A letter had been received from an agent acting on behalf of Mr Shea and Ms Timms, the current owners of The Orchard, Sandy Lane, Blackdown, Leamington Spa, requesting that the Section 106 Agreement relating to that property be

PLANNING COMMITTEE MINUTES (Continued)

revoked such that it no longer has any legal effect. The agreement dated 22 December 1993 stated that:

1. The development be carried out in accordance with drawings number 3773/2/1A;
2. No building works operations or other development shall be carried out on the property the effect of which would be to increase the overall volume of the buildings comprised in the development.
3. No development upon the property the effect of which would be to provide any unit or units of residential accommodation additional to that comprised in the development.

Because development had been granted on the property since the 1993 permission and signed Section 106 Agreement, it was no longer required and served no purpose because the site was within the Green Belt where there were already strict controls.

The Planning Officer was satisfied, in view of the above, that it would be appropriate for the Section 106 Agreement to be revoked.

RESOLVED that the Head of Legal Services be authorised to revoke the Section 106 Agreement relating to The Orchard, Sandy Lane, Blackdown such that it no longer has any legal effect.

367. APPEAL PERFORMANCE QUARTER 1 2007/2008

The Committee received a report from the Group Leader for Development Control informing them of information on appeal decisions received during quarter 1 2007/2008.

Appeal performance was a national best value indicator (BV 204) used to measure the dismissal rate for appeals against refusals of planning permission.

Recent government guidance confirmed that significantly higher rates of appeal being allowed compared to the national average could affect Planning Delivery Grant allocations. Performance above the national average (i.e. a 75% dismissal rate as compared to the 66% national average dismissal rate) could be regarded as "excellent" for audit purposes.

Appeals Allowed and Appeals Dismissed, performance for quarter one showed three appeals against refusals of planning permission being allowed and five dismissed (although one case was a call in application). Excluding this case, the rate of appeals allowed was 43% with a 57% dismissal rate.

RESOLVED that the report be noted.

368. 5, 6 & 7 FERNDAL DRIVE, KENILWORTH

The Committee considered a report from Planning and Engineering that requested the confirmation of the provisional Tree Preservation Order TPO 338 for four individual trees.

PLANNING COMMITTEE MINUTES (Continued)

The Order had been submitted to Committee for confirmation because objections had been received from local residents.

The Order was created as part of the Tree Preservation Order review that was taking place in Kenilworth. The Order was intended to replace an Area Tree Preservation Order in line with government guidance and best practice.

RESOLVED that Tree Preservation Order TPO 338 be confirmed.

(The meeting ended at 9:35pm)