

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 19 November 2008 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor MacKay (Chairman); Councillors Barrott, Mrs Blacklock, Copping, Davies, Dhillon, Edwards, Mrs Higgins, Illingworth and Mobbs.

Councillor Mobbs substituted for Councillor Rhead.

The Chair announced to the Committee the sad news that Councillor Mrs Bunker's husband had passed away. He had expressed the Committee's condolences to her in an email and a card would follow.

582. DECLARATIONS OF INTEREST

Minute Number 587 – 1 New Street, Leamington Spa

Councillors Barrott and Edwards declared personal interests because they were ward councillors for the site.

Councillor Blacklock declared a personal interest because she knew members of the organisation concerned.

Minute Numbers 588 & 589 – Oaks Hollow, Grove Farm Road, Ashow

Councillor MacKay declared a personal interest because the property was in his ward.

Minute Number 590 – West Wind, Stratford Road, Warwick

Councillor Dhillon declared a personal interest because he was ward councillor for the site.

Minute Number 591 – Garages adjacent to 58 Lower Cape, The Cape, Warwick

Councillor Dhillon declared a personal interest because he was ward councillor for the site.

Minute Number 592 – 184 Cromwell Lane, Kenilworth

Councillor Illingworth declared a personal interest because he was ward councillor for the site.

Minute Number 594 – 26 Inchbrook Road, Kenilworth

Councillor Mobbs declared a personal interest because he had sat on the Kenilworth Town Council Planning Committee when the item was considered. He was advised that his interest was not prejudicial and that he could remain in the room, but he chose to leave the room for the duration of the item anyway.

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583. LAND ADJACENT TO LEIGH FOSS, THE VALLEY, RADFORD SEMELE, LEAMINGTON SPA

The Committee considered an application from Noralle Ltd for the erection of 3 pairs of semi-detached houses, each pair comprising a two bedroom and a three bedroom house for affordable housing.

The application was presented to the Committee due to the high level of public interest. A number of objections had been received, including one from Radford Semele Parish Council.

The Head of Planning 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)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011)

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

RAP4 - Providing Rural Affordable Housing (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

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

SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)

GD.7 - Previously-Developed Sites (Warwickshire Structure Plan 1996-2011).

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

CF5 - Delivering Affordable Housing and Mixed Communities (Regional Planning Guidance 11 - June 2004)

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

The following people addressed the Committee:

Councillor Michael Doody

Ward Councillor (objecting)

In the opinion of the Head of Planning, the scheme accorded with local policy in terms of the principle of development, housing need and provision and impact on the character and appearance of the local area and neighbouring properties. However, it did not comply with Policy DP10 as there was clear evidence that the area was subject to flooding and there were serious concerns about safe egress from the properties during a flood, insofar as it was a steep part of the road where water flows had a greater velocity. A proposal that a ditch along the south side of the site be utilised for surface run-off would unacceptably increase the capacity of water storage.

An addendum circulated at the meeting gave details of a further email from the Environment Agency, received on 19 November 2008, which stated that they maintained their objection and, following a site visit, no longer considered that a grant of permission with conditions could be supported. The addendum offered amended reasons for refusal, taking into account the concerns of the Environment Agency.

Following consideration of the Officers' report and presentation, along with the information contained within the addendum and the representation from the

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Ward Councillor addressing the meeting, the Committee were minded to refuse the application in line with the Officers' recommendation and in accordance with the revised reasons given in the addendum, with the additional reason that the proposal conflicted with policy RAP4.

RESOLVED that application W08/0756 be REFUSED for the reasons given below:

- (1) District Wide Policy DP10 of the Warwick District Local Plan states that development will only be permitted on land at risk of flooding where an adequate Flood Risk Assessment has been carried out and development proposals meet certain criteria.

The site relates to vacant garden land located outside the village envelope of Radford Semele on the east side of The Valley. The proposal seeks to construct six affordable houses together with two parking spaces per unit.

In the opinion of the District Planning Authority, the proposal would be wholly unacceptable on this site which is subject to local flooding. It is considered that an adequate Flood Risk Assessment has not been submitted. Furthermore, the development would result in additional pressure on the existing inadequate drainage system and would be likely to further exacerbate the potential for flooding in the locality. In the opinion of the District Planning Authority, it has also not been demonstrated that safe, dry pedestrian access from the properties is available. As such, the proposal is considered to be contrary to the objectives of the aforementioned local plan policy; and

- (2) Policy RAP4 of the Warwick District Local Plan 1996-2011 states that development for affordable housing within rural areas to meet a local need may be permitted in exceptional circumstances where there is evidence of a particular local housing need which cannot be met in any other way; that it is small in scale of appropriate design and is located within or adjoining an existing settlement, and that it is exclusively for the occupation of people with a demonstrable need to be housed in the locality. In the explanation to this policy it states that within Limited Growth Villages a proposed site will be defined as adjoining it if it abuts the village envelope as identified in the Local Plan.

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This is further emphasised in paragraph 9.12 of the Council's adopted Supplementary Planning Document "Affordable Housing".

The application site lies outside of the identified Limited Growth Village of Radford Semele and furthermore does not abut its boundary. In the opinion of the District Planning Authority the proposal would conflict with the objectives of the aforementioned Policy RAP4; it would result in an unacceptable outward extension of the village which would unacceptably erode the rural setting of the village and the openness of this locality.

It is thereby considered that the proposal would be contrary to the aforementioned Local Plan Policy and Supplementary Planning Document.

584. SHAKESPEARE COTTAGE, FIVE WAYS ROAD, SHREWLEY, WARWICK

The Committee considered a retrospective application from Mr Lewis for replacement of an existing asbestos stable roof with a wood and felt flat roof at a higher level.

The application was presented to the Committee due to there being an objection from Shrewley Parish Council.

The Head of Planning 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)

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

RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

The following people addressed the Committee:

Councillor Mrs S Gallagher

Ward Councillor (objecting)

In the opinion of the Head of Planning, the appearance of the building was little changed by the building works and the replacement of the asbestos roof was an improvement. The building was not close to the boundaries of the site, no neighbours were affected and the proposal was therefore considered to comply with the policies listed.

Following consideration of the Officers' report and presentation, along with the representation from the Ward Councillor addressing the meeting, the Committee were of the opinion that the application should be granted, in line with the Officers' recommendation.

RESOLVED that application W08/1300 be GRANTED subject to the development hereby permitted shall be retained strictly in accordance with the details shown on

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the approved drawings and specification contained therein, submitted on 10 September 2008, 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.

585. LIDL, MYTON ROAD, WARWICK

The Committee considered an application from Lidl UK GMBH for proposed new signage.

The application was presented to the Committee due to the number of objections received, including one from Warwick Town Council.

An addendum circulated at the meeting detailed a further objection to the large illuminated flagpole, received since publication of the agenda.

The Head of Planning 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 following people addressed the Committee:

Ms C Holroyde

Objector

Mrs R Brown

Applicant

The application had been made for two signs. Most objections and concerns related to the size and illumination of the sign on the flagpole and its detrimental impact on the amenity, character and appearance of the neighbouring residential area. The applicants had agreed to reduce the size of this sign, but still wished it to be internally illuminated. In the opinion of the Head of Planning, the size of the flagpole sign was acceptable, although its illumination was not ideal and its elevation gave it a certain degree of prominence. Nevertheless, there was an existing large illuminated totem sign located outside "Home Base" which would be viewed together with this one in the street scene and it would therefore be difficult to refuse this application on the grounds of detriment to the visual amenity of the locality. It was suggested that conditions restricting the sign's luminance and hours of operation should be imposed. The second sign, a gable sign, was large but considered acceptable as it would be viewed against the building across the car park, lessening its impact. The proposal was therefore considered to comply with the policies listed.

The Committee noted that temporary advertising hoarding mentioned by neighbours had not been included in this application and was being investigated by the enforcement team.

Following consideration of the Officers' report and presentation, along with the information contained within the addendum and representations from the public addressing the meeting, it was proposed and seconded that the application be

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granted in line with the Officers' recommendation. An amendment was then proposed and seconded, that part of the application should be granted, in line with the Officers' recommendation, but a decision relating to the flagpole sign should be deferred pending further discussions to reach a more amicable solution for both the applicant and the residents. The amendment was won with six votes in favour. This then became the substantive motion which was carried with six votes in favour.

RESOLVED that the element of application W08/1309 pertaining to the sign on the building be GRANTED subject to the standard advertising conditions and the additional conditions set out below, but a decision on the flagpole sign be deferred pending further discussion with the applicant to attempt a more amicable solution for the applicant and the residents, and to clarify opening hours and exactly when illumination of the sign would be turned on and off.

Additional Conditions:

- (1) the maximum luminance of the illuminated sign shall not exceed 800 candellas per sq. m. at any time and glare shall not be created or light allowed to spill onto the public highway from this source. **REASON** to ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (2) the sign shall not be illuminated at any 9other time than during the opening hours of the development to which it relates. **REASON** to ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

586. 11 ALDWICK CLOSE, LILLINGTON, LEAMINGTON SPA

The Committee considered an application from Mr Brumwell for the erection of a front porch, two storey side extension, single storey rear extension and garage after demolition of existing garage, utility and conservatory, and the formation of hardstanding to the front of the property.

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council.

The Head of Planning 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 45 Degree Guideline (Supplementary Planning Guidance)

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Residential Design Guide (Supplementary Planning Guidance - April 2008)
DP10 - Flooding (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the extension was of a good standard of design, followed the design principles set out in the Council's Residential Design Guide, would not be harmful to the living conditions of neighbours and would sit comfortably on both the property and the streetscene as a whole. A condition requiring the implementation of the development in accordance with the tree protection measures submitted with the application (which meet the standards set in BS5837:2005) would ensure that a Magnolia tree, which made a positive contribution to the streetscene, would be appropriately protected and retained. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that application W08/1245 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 (drawing numbers 08/43-03 A & 08/43-04), and specification contained therein, submitted on 24 September 2008 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) 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;
- (4) prior to commencement of the development hereby approved, details of a permeable surface treatment for the drive shall have been

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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 limit surface water run off, in accordance with the requirements of Policy DP10 of the Warwick District Local Plan (Revised Deposit Version) 1996-2011; and

- (5) the Magnolia tree shall be retained in accordance with BS 5837:2005. Before any materials are brought on the site or any demolition or development commenced, protective fencing, in accordance with the tree protection details submitted to the District Planning Authority on 24 September 2008, shall be erected to enclose the perimeter of the branch spread of the tree. Such fencing shall be satisfactorily maintained until all development has been completed. No items shall be stored or placed within the enclosed area and nor shall the ground levels be altered or any excavation take place without the prior written consent of the District Planning Authority. **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.

587. 1 NEW STREET, LEAMINGTON SPA

The Committee considered an application from Cord trustees for change of use from offices to a house in multiple occupation (HIMO); erection of a pitched roof over an existing single storey rear extension after partial demolition; erection of 2 pairs of 2.2m high inward opening timber gates fronting New Street after partial demolition of a boundary wall; formation of hardstanding to provide 2 parking spaces, and; erection of a dormer window to replace an existing fire exit.

The application was presented to the Committee because an objection had been received from Royal Leamington Spa Town Council.

An addendum detailed concerns received from the Warwick Conservation Area Advisory Forum.

The Head of Planning 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)

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

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DP8 - Parking (Warwick District Local Plan 1996 - 2011)
Vehicle Parking Standards (Supplementary Planning Document)
TCP10 - Protecting the Residential Role of Town Centres (Warwick District Local Plan 1996 - 2011)
SC10 - Managing Housing Supply (Warwick District Local Plan 1996 - 2011)
DP10 - Flooding (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, change of use from offices to a house in multiple occupation would not conflict with the Council's 'Managing Housing Supply' policy as this use fell within one of the exceptions criteria. The Council had recently adopted a Supplementary Planning Document (SPD) against which this proposal would require the provision of 5 off street parking spaces. The existing office use currently had no off street parking spaces and would itself require 3 spaces. Two spaces would be provided by removing part of the boundary wall fronting New Street to provide access onto a proposed hardstanding between the rear elevation of the property, an area which would be enclosed by inward-opening timber gates. Whilst this would result in the loss of on street parking spaces, the SPD did not require the loss of on street parking to be taken into account. The timber gates would ensure that a permanent opening was not created in the streetscene, thereby preserving the character and appearance of this part of the Conservation Area. A proposed bin store between the rear of the garage and 9 Mill Street had sufficient capacity to ensure that bins were not stored on the highway on collection day. The proposals were therefore considered to comply with the policies listed.

Following consideration of the Officers' report and presentation, alongside the information contained within the addendum, the Committee were of the opinion that the application should be refused, contrary to the Officers' recommendation.

RESOLVED that application W08/1391 be REFUSED for the following reasons:

Policy DP8 of the Warwick District Local Plan 1996-2011 states (inter alia) that development will only be permitted that makes provision for car parking that does not result in on-street parking detrimental to highway safety. The Council has also adopted a Supplementary Planning Document 'Vehicle Parking Standards'. The site relates to an end of terrace property situated on the corner of Mill Street and New Street. Properties in this locality rely on the availability of on-street spaces for car parking. In the opinion of the District Planning Authority, the proposal for a change of use to a house in multiple occupation containing 10 letting rooms (which in accordance with the aforementioned standards would require 5 off-street parking spaces) would result in a significant intensification to the use of this property and a consequent material increase in the demand for on-street car parking. Having particular regard to its location on a corner site at the junction of four roads, the proposal would thereby result in increased competition

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for on-street car parking, causing unacceptable congestion and likely to add to traffic danger by encouraging illegal forms of car parking. The proposed development does not include adequate off-street parking provision and would thereby be contrary to the objectives of the aforementioned Policy, both in itself and in the undesirable precedent it would create for other similar proposals which would be more difficult to resist. Furthermore, the 2 spaces proposed are of inadequate size, their provision would result in the loss of on-street car parking and their proximity to the proposed kitchen window would result in unacceptable amenity for future occupiers.

588. OAKS HOLLOW, GROVE FARM ROAD, ASHOW, KENILWORTH

The Committee considered an application from Mrs Lacey for change of use of part of an existing agricultural barn to ancillary residential use for Oaks Hollow.

The application was presented to the Committee because an objection had been received from Ashow, Burton Green and Stoneleigh Joint Parish Council and at the request of Councillor MacKay.

The Head of Planning 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)

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

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, a pragmatic approach to the proposal was required because it fell between policies. The proposed change of use complied with conversion policy, some residential use of the building had already commenced, and it was considered that it would be unreasonable to refuse permission when taking into account the applicant's lack of need for agricultural storage. The applicant accepted the imposition of a condition requiring the accommodation to remain ancillary to the main dwelling. It was considered unreasonable to require the applicant to retain a vacant agricultural storage building rather than utilise it as ancillary residential space, particularly because the dwelling was a barn conversion where extensions were not normally permitted. A condition restricting use to ancillary purposes to the main dwelling was considered adequate to ensure long term control over use.

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 recommendation.

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RESOLVED that application W08/1160 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) (2363-3A), and specification contained therein, submitted on 23 September 2008 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) this permission authorises additional ancillary residential accommodation and shall not be construed as permitting the erection of a separate dwelling unit. **REASON:** Since a separate dwelling in this isolated rural location would not be sustainable and to satisfy Policy DP1 and RAP1 of the Warwick District Local Plan 1996-2011.

589. OAKS HOLLOW, GROVE FARM ROAD, ASHOW, KENILWORTH

The Committee considered an application from Mrs Lacey for change of use of land from agricultural to equine and construction of an all weather ménage.

The application was presented to the Committee because an objection had been received from Ashow, Burton Green and Stoneleigh Joint Parish Council.

The Head of Planning 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)

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

RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the siting of the ménage was considered acceptable as it was positioned centrally on the site and close to the existing main building. It would not have a significant visual impact on the openness or character of the Green Belt as the above ground impact would

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consist of a 1.5m high post and rail fence, which were commonly seen in the rural area. The menage surface would be fibred sand. A condition could be imposed to prevent flood lighting being installed, which would have a significant visual impact during hours of darkness. It was not considered that approval of this menage would enable any future development on the site.

Following consideration of the Officers' report and presentation, along with the information contained within the addendum, the Committee were of the opinion that the application should be granted, in line with the Officers' recommendation.

RESOLVED that application W08/1163 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) (2363-2M), and specification contained therein, submitted on 6 August 2008 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 lighting shall be fixed to the external walls or roof(s) of the adjoining buildings, or on any open land within the application site without the written consent of the District Planning Authority. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

590. WEST WIND, STRATFORD ROAD, WARWICK

The Committee considered an application from Mr and Mrs Johnson for the construction of an annex building and re-positioning of a garage block approved under application W08/0421.

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

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The Head of Planning 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)

In the opinion of the Head of Planning, the proposal was acceptable as, while the annex would be the third large outbuilding within the curtilage of this bungalow, it was a relatively large site, the buildings were not close to the site boundaries and there were no affected neighbours. Furthermore, according to the Local Plan, the site was located within the Warwick town boundary and not the rural area, and so there was no set limit on the amount of development that may be acceptable. Following negotiation in order to maintain a subservient design, dormer windows had been removed from the building and its footprint reduced. The annex was intended to provide washing and sleeping accommodation for the applicant's elderly relative, who wished to have some independence but who would eat their meals in the main house, hence the absence of a kitchen. Roof space was intended to solely provide storage. Since the building did not provide self contained accommodation and would not be capable of independent occupation of the main dwelling, it was felt there were no grounds to refuse planning permission. The applicant was willing to accept a condition limiting the use of the building to purposes ancillary to the main dwelling. The revised location of the garage was considered acceptable as this was an isolated property with no neighbours, and the garage would be largely screened by a new 2-metre high wall that would be constructed under permitted development rights.

An addendum detailed a reduction in length to the size of the annex. The proportion of foot print removed was the same as previously proposed, and the building retained a subservient appearance and design to the main house. Warwickshire County Council recommended a condition to protect existing trees and hedgerows, and badger, nesting bird, and native species notes. Construction of foundations for the proposed buildings had already commenced and it was therefore not considered necessary to impose a condition to protect existing trees. The County Council's Archaeologists no longer wished to impose a condition for a programme of archaeological works since the ground works had already been carried out.

Following consideration of the Officers' report and presentation, along with the information contained within the addendum, the Committee were of the opinion that the application should be granted, in line with the Officers' recommendation.

RESOLVED that application W08/1272 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;

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- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (no. NJ1003A submitted on 3 September 2008 and no. NJ1001B submitted on 19 September 2008), 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) this permission authorises the erection of an annex to the existing dwelling and shall not be construed as permitting the erection of a separate dwelling unit. **REASON:** Since the erection of a separate dwelling would be contrary to the Council's Supplementary Planning Document 'Managing Housing Supply', and there is insufficient amenity space for a separate dwelling and to satisfy Policy DP1 of the Warwick District Local Plan 1996-2011.

591. GARAGES ADJACENT TO 58, LOWER CAPE, THE CAPE, WARWICK

The Committee considered an application from Mr Farley for the erection of a dwelling following demolition of existing garages. This was an amendment to permission W05/0526.

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

The Head of Planning 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)

Managing Housing Supply (Supplementary Planning Document)

In the opinion of the Head of Planning, the dwelling was in keeping with the neighbouring new residential properties and the public house as it had been designed on a domestic scale but using canal side industrial architecture as its reference. The applicant had obtained additional land directly adjacent to the original site, currently used for the storage of an old touring caravan. The new proposal was almost identical to that originally approved, except where it had been modified to include the 'caravan area' to provide a larger garage, utility room and bin store with additional bedroom over. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that application W08/1332 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) 487-04, 487-05, and specification contained therein, submitted on 19th September 2008 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; 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 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 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

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locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

592. 184 CROMWELL LANE, BURTON GREEN, KENILWORTH

The Committee considered an application from Mr He for the erection of a single storey and two storey side and rear extension and single storey front extension. This was an amendment to scheme W07/1851 which had previously been approved.

The application was presented to the Committee because an objection had been received from Ashow, Burton Green and Stoneleigh Joint Parish Council.

The Head of Planning considered the following policies to be relevant to the application:

The 45 Degree Guideline (Supplementary Planning Guidance)

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

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

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

RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the proposed store room was acceptable, being single storey, only the width of a narrow garage and retaining the visual impression of being subordinate since the linear form of development precluded the whole extension being seen as a single feature. The main part of the proposal, as approved, lay partly behind the house and not only satisfied the 45° guideline but appeared to be subordinate since only a small part was seen from the front, filling in part of the gap beside the original rear wing, and its ridge line was below that of the main house. Additionally, the single storey element would be "permitted development" under the new permitted development regime which allowed for single storey side extensions not exceeding 4 metres in height which do not have a width greater than half the width of the original dwelling. There was no requirement for a minimum distance off a side boundary with a single storey extension.

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

RESOLVED that application W08/1333 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, and specification contained therein, dated 12th September 2008 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.

593. 69 – 71 EMSCOTE ROAD, WARWICK

The Committee considered an application from Mrs Sidhu for the erection of a boundary wall and railing at 69 and 71 Emscote Road, revised vehicle access to no. 69 and erection of a first floor extension to no. 71.

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

The Head of Planning 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)

In the opinion of the Head of Planning, the principal issue was the impact of the proposals on the street scene. In view of the general character of this part of Emscote Road, namely railings to the properties on both sides, there was no reason to justify a refusal for similar railings at these two properties. The existing hedge at no. 69 could be removed at any time as there were no controls over it. The extension had been designed to be set down from the eaves and ridge line of the main house, with rooflights being used for both bedrooms and en-suites. The plans had been amended since their original submission to include a direct access to the main house. The Head of Planning felt that the design respected the character of the house enough to satisfy the adopted Design Guide. The proposals were therefore considered to comply with the policies listed.

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

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W08/1366 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 no. 1246-41B and -42A, and specification contained therein, submitted on 9th October 2008 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.

594. 26 INCHBROOK ROAD, KENILWORTH

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

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

The Head of Planning 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)

In the opinion of the Head of Planning, alterations to the roof of the garage and the first floor element of the side extension would be visible, but as the property was set amongst various designs within the street scene, would not overly impact on Inchbrook Road or adversely affect the character of the existing dwelling. The extensions were well designed and would not result in harm to neighbouring amenities sufficient to justify refusal.

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

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W08/1382 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 002, and specification contained therein, submitted on 26th September, 2008 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) 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; and
- (4) the landing window in the North East (side) elevation of the extension hereby permitted shall be non-opening and obscure glazed (unless any part of the window that can be opened is more than 1.7 metres above the floor) 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.

595. 24 CHERRY LANE, HAMPTON MAGNA, WARWICK

The Committee considered a part-retrospective application from Mr Roper for the erection of a wooden fence.

The application was presented to the Committee due to the number of objections received, including one from Budbrooke Parish Council.

An addendum circulated at the meeting gave details of a further objection which had been received after publication of the agenda.

PLANNING COMMITTEE MINUTES (Continued)

The Head of Planning 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)

In the opinion of the Head of Planning, the amended scheme would keep the impact on the street scene to a minimum and would not overly affect the character of the surrounding area or adversely impact on the amenities of the neighbouring properties. While the fence would be visible in the street scene, there were other examples of similar corner boundary fences within Cherry Lane, Hayward Close and Hunt Close. The fence would now be set back from the front of the property which meant that it would not erode the open character of the street scene along Cherry Lane and would address highway safety concerns. The proposed fence would now look similar in design, height and position to existing fences within close proximity.

Following consideration of the Officers' report and presentation, alongside the information contained within the addendum, the Committee were of the opinion that the application should be granted, in line with the Officers' recommendation.

RESOLVED that application W08/1412 be GRANTED, subject to the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved amended drawing, and specification contained therein, submitted on 30th October, 2008 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.

596. 5 MALLORY ROAD, BISHOPS TACHBROOK, LEAMINGTON SPA

The Committee was due to consider a request for enforcement action in relation to 5 Mallory Road. However, the Chair had withdrawn the item following a long discussion with the owner of the property which satisfied the Chair sufficiently to justify the item's withdrawal.

(The meeting ended at 9.25 pm)