

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 7 July 2009 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

(Councillor Mobbs substituted for Councillor Rhead)

33. DECLARATIONS OF INTEREST

Minute Number 36 W09/0533 – 18 Woodcote Road, Warwick

Councillor Mrs Higgins declared a personal and prejudicial interest because she had been involved in discussions about this application and would be addressing the Committee as Ward Councillor. Councillor Mrs Higgins addressed the Committee as Ward Councillor then left the room for the remainder of this item.

Minute Number 37 W09/0559 – Rear 34/40 Lee Road

Councillor Copping declared a personal interest because it became apparent to him during the submission from the supporter to the applicant that he knew the supporter as a resident of his Ward.

Minute Number 39 W09/0596 – Land Adjacent to 21 Jackson Grove, Kenilworth

Councillor Mrs Bunker declared a personal interest because she was Ward Councillor.

Minute Number 41 W09/450LB – 3 Newbold Street, Royal Leamington Spa

Councillor Ms Dean declared a personal interest because she was Ward Councillor.

Minute Number 43 W09/615LB – 3 Portland Street, Royal Leamington Spa

Councillor Ms Dean declared a personal interest because she was Ward Councillor.

Minute Number 48 – Horsefair, Kenilworth

Councillors Blacklock, Mrs Bunker, Illingworth and Mobbs all declared a personal interest because they had been involved in discussions about this site.

34. MINUTES

The minutes of the meeting held on 17 June 2009 were confirmed as a correct record.

PLANNING COMMITTEE MINUTES (Continued)

35. PRESENTATION TO JOHN ARCHER

The Chairman paid tribute to the Head of Planning whose retirement had been disrupted by injuries sustained when the light aircraft he was flying suddenly lost power and he had to crash land. That he survived was testimony to his skill and quick thinking.

The Chairman added that No Head of Planning could have been a finer example of putting material considerations ahead of emotive evidence and emotional argument. Over many years he won respect from Planning Committees and his staff.

The Chairman, on behalf of past and present Members of the Planning Committee, presented a cheque to John accompanied by a card which read "With great respect for your professionalism and fair-mindedness in Planning and in Management".

36. W09/0533 – 18 WOODCOTE ROAD, WARWICK

The Committee considered an application from Mr Green for the erection of a building in the rear garden

This application was submitted to the Committee at the request from Councillor Mrs Higgins as Ward Councillor.

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

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

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

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

The addendum circulated by officers at the meeting summarised a further comment on the application received after the publication of the agenda.

The following people addressed the Committee:

Mrs P Williams Objector

Mr Green Applicant

Councillor Mrs E Higgns Ward Councillor (Objecting)

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the officers report and presentation, along with the information contained within the addendum and the representations made by members of the public and the Ward Councillor, it was duly proposed and seconded that the determination of the application be deferred for site visit but this was lost with four votes in favour, four votes against, one abstention and by the Chairman using his casting vote against the site visit. It was duly proposed and seconded that the application be granted in accordance with the officer's recommendation subject to an amendment to condition 3 of the officers report to include reference to the amenity of the neighbours to property, which was agreed with six votes in favour and three votes against.

RESOLVED that application W09/0553 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 AMENDED drawing 910-02A, and specification contained therein, submitted on 22nd June, 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of airborne noise have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : In the interests of the amenity of residents adjoining the site in accordance with the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011; and
- (4) the rear building shall be used for a music room or other purposes incidental to the residential use of the dwelling house. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

37. W09/0559 – REAR 34/40 LEE ROAD, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr Tabor for the erection of bungalow after demolition of existing garages

The application was submitted to the Committee at the request of Councillor Mrs Knight as Ward Councillor.

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

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

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

Outline planning permission (ref: W97/0609) for 'erection of a dwelling' had been refused under delegated powers in 1997. The proposal was subsequently dismissed at appeal on grounds of being out of character with the area, 'cramped in comparison with its surroundings', detrimental to the living conditions of neighbouring properties in terms of noise and disturbance and loss of privacy; and the provision of unacceptable living conditions for the future occupants of the proposed development.

Planning permission (ref: W05/1126) for 'demolition of garages and erection of a detached bungalow' had been refused under delegated powers in 2005. The proposal was subsequently dismissed at appeal on grounds of being 'at odds with the established pattern and character of development in the locality'; the provision of unacceptable living conditions for future occupiers of the development who would 'suffer noise and disturbance from vehicles associated with the shop units', and the provision of a poor level of amenity space and outlook.

The case officer was of the opinion that the main issues in this application were the effects of the proposal on the character and appearance of the area and the living conditions of neighbours and future occupiers.

The properties in the area were mainly detached houses and bungalows, semi-detached dwellings and a small number of terraced properties. In the vicinity of the application site, the dwellings generally front onto the roads and, for the most part, have good sized plots. The site's location in relation to existing development places it in a backland situation. Whilst in some urban areas the development of such sites was acceptable and can be a common feature, in this particular case, the proposal would depart from an established pattern of frontage development and give rise to a development that would appear cramped in comparison with its surroundings. While there were examples of backland development in the area, most notably to the rear of 45 Lee Road, frontage development in generous plots remains the dominant characteristic of the immediate area and an isolated dwelling in this backland location would create an incongruous feature in an area characterised by frontage development, and would appear awkward and cramped in this restricted area to the rear of this frontage. The development of this site as proposed would therefore be at odds with the established pattern and character of development in the locality.

PLANNING COMMITTEE MINUTES (Continued)

The case officer noted the applicant's comment that the removal of the garages would improve the area, however, the development of the site in the manner proposed would not harmonise with its surroundings and therefore failed to comply with policy DP1 of the Local Plan.

In terms of amenity space and outlook, the site was so severely constrained that any dwelling would appear cramped in relation to its boundaries resulting in a poor level of amenity space and outlook. The proposal would provide a poor quality of living conditions for future occupiers of the bungalow and conflict with policy DP2 of the Local Plan which sought to achieve satisfactory levels of residential amenity.

Noise and disturbance would emanate from vehicles using the access road, the turning area required for the dwelling and from the banging of car doors. While it acknowledged that cars entering and leaving the block of garages could generate a degree of noise disturbance, such use was likely to be low given the divorced nature of the garages from residential properties. At the present time, the rear gardens of dwellings in Southlea Close and Kingsway which backed onto the site enjoy a degree of quiet and privacy which could be significantly diminished by increased pedestrian and vehicular movements in this location.

In the case of the proposed bungalow, the future occupants could suffer from noise and disturbance arising from vehicular use associated with the 4 garages at the rear of the shops.

There had been no significant material changes in the character of the area, on-site circumstances or the Council's policies since these two applications were refused and subsequently dismissed at appeal that would provide the necessary justification to overturn the Inspectors' reasons for dismissal.

The following people addressed the Committee:

Mr G Wilson Supporter

Following consideration of the officer's report and presentation and the representations made by the Supporter, the Committee were of the opinion that the application should be deferred to allow for a site visit because the Committee felt it would be of significant benefit to them when determining the application.

RESOLVED that application W09/05590 be deferred to allow for a site visit because the Committee felt it would be of significant benefit to them when determining the application.

38. W09/0586 – 198 CUBBINGTON ROAD, LILLINGTON, ROYAL LEAMINGTON SPA

The Committee considered the re-submission of application W09/0133 from Mr D Keogh for two storey extension at rear and part re-modelling of existing single storey extension.

PLANNING COMMITTEE MINUTES (Continued)

The application was submitted to the Committee at the request of Councillor Boad as ward Councillor.

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

The case officer was of the opinion that the proposed development was of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings and did not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Mr Hadley Objector

Mr Hammond Supporter

Following consideration of the officer's report and presentation and the representations made by the objector and supporter, it was proposed and duly seconded that the application be granted, this was lost four votes to six. It was then proposed and duly seconded that the application be refused, for the reasons stated in the decisions below, contrary to the recommendation in the report and this was carried by seven votes to three.

RESOLVED that application W09/0586 be REFUSED because in the opinion of the District Planning Authority the proposal would be unneighbourly. It would be contrary to Policies DP1 and DP2 by reason of its unacceptable massing and bulk resulting in a development of inappropriate scale particularly having regard to the cumulative effect of the previous extensions constructed at this property.

39. **W09/0596 – LAND ADJACENT 21 JACKSON GROVE, KENILWORTH**

The Committee considered a revised application to W/08/1591 from Mr Hendrick for change of use of land to domestic curtilage and levelling of existing land.

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

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

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

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

SC5 - Protecting Open Space (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

The case officer was of the opinion that the special circumstances of this case and the close proximity of alternative open space would mean that the loss of this area of open space to private garden would not cause unacceptable harm to the amenities of the area or the appearance of the street scene. The proposal was therefore considered to comply with the policies listed.

The addendum circulated by officers at the meeting provided further information in relation to the open space assessment.

The following people addressed the Committee:

Mr S Johnson	Objector
Mr M J Loynes	Supporter
Mr P Hendrick	Applicant

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

RESOLVED that application W09/0596 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) (Land Registry plan, Ordnance Survey extract, Section A-A), and specification contained therein, submitted on 18 May 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

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

- (4) notwithstanding the details on the submitted plans, no trees shall be planted within 3m of the 300mm or less sewers, and 5m of the 300mm plus sewers and water storage tank. The applicant may wish to apply to Severn Trent Water to divert the sewers in accordance with section 185 of the Water Industry Act 1991.

REASON: To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system.

40. W09/0346 – 14 CEDAR TREE FARM, FOSSE WAY, RADFORD SEMELE

The Committee considered an application from 2C Design Consultants for the erection of rear two storey rear extension on south facing elevating with hipped roof and dormer window ; and erection of rear single storey lean-to conservatory (no.14).

The application was submitted to Committee because an objection had been received from Radford Semele Parish Council.

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

PLANNING COMMITTEE MINUTES (Continued)

The case officer was of the opinion that the proposed development was of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings and did not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that application W09/0346 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), and specification contained therein, submitted on 3rd April 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

41. W09/0450LB – 3 NEWBOLD STREET, ROYAL LEAMINGTON SPA

The Committee considered an application for WAC Investments Ltd from Internal alterations to provide bathroom and kitchen and revision of layout to provide 8 no. bedrooms; Replacement of existing window to rear elevation with a door.

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

The case officer was of the opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserves the character and appearance of the Conservation Area within which the property was situated. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that application W09/0450lb 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;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing (drawing number 04/09/621/2), and specification contained therein, submitted on 21 April 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of internal and external doors at a scale of 1:5 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 a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

42. W09/0550 – REAR OF 6 WHITNASH ROAD, WHITNASH

The Committee considered an application from Mr Akhter for a proposed new house.

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

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

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

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

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

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

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

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development did not adversely impact on the character or appearance of the area or the amenity of neighbours. Furthermore, it was considered it would not result in highway danger. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be granted in accordance with the recommendation in the report, subject to an additional condition regarding prior approval of chimney/flue details.

RESOLVED that application W09/0550 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 nos. 1240/20A and /22, and specification contained therein, deposited on 5th May 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) a landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (5) prior to commencement of the development hereby approved, details of a porous surface treatment for the drive or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house, shall have been submitted to and approved by the District Planning Authority. The drive shall be constructed and surfaced, in full accordance with the approved details. **REASON** : To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan;
- (6) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (7) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : Given the proximity of this dwelling to neighbouring properties, it is considered that any future development should be strictly controlled to protect the amenity of the occupiers of these properties to accord with the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (8) no development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011;
- (9) no development shall be carried out on the site which is the subject of this permission, until details of existing and proposed ground levels of the development, including the finished floor levels of the dwelling and sections through the site 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 protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (10) no development shall be carried out until the details of any external flue/chimney has been submitted and approved in writing by the District Planning Authority.

43. W09/0615LB – 3 PORTLAND STREET, ROYAL LEAMINGTON SPA

The Committee considered a part retrospective application from Mr McFadden for the removal of existing basement windows, enlarge openings and install new sash windows; add new window to 2nd floor rear elevation; and erect internal timber stud partitioning

The application was submitted to the Committee because of the number of objections received and because an objection had been received from Royal Leamington Spa Town Council.

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

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

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

DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

The case officer was of the opinion that the development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserves the character and appearance of the Conservation Area within which the property was situated. The proposal was therefore considered to comply with the policies listed.

A further condition was proposed at the meeting by officers and the details were contained within the addendum.

Following consideration of the officer's report and presentation, along with the information contained within the addendum, the Committee were of the opinion that the application should be granted in accordance with recommendation in the report, with the addition of a further condition regarding railings as set out in the officers addendum, on a split vote of five in favour and five against with Chairman using his casting vote in favour of grant.

RESOLVED that application W09/0615LB be granted

- (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;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) ra124.01, ra124.02, ra124.03, ra124.04, ra124.05 & ra124.06, and specification contained therein, submitted on 21 May 2009, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of the windows (including a section showing the window reveal, heads and cill details) at a scale of 1:5 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 a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (4) all window frames shall be constructed in timber and shall be painted and not stained. **REASON :** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011; and
- (5) No railings, grille or other protective guard shall be installed on or around the basement windows hereby permitted unless details have been submitted to and approved in writing by the District Planning Authority. The railings, grille or other protective guard shall be installed in strict accordance with the approved details. **REASON :** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

44. W09/0654 – 2 MOLLINGTON ROAD, WHITNASH

The Committee considered a the resubmission of W08/1666 from Mr Gamblinfor the erection of a single and two storey rear extension and conservatory

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

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

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

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

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W09/0654 be

- (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) 1442-01G & 1442-02C, and specification contained therein, submitted on 1 June 2009, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) 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 shall be placed at any time in the south-west elevation of the first floor rear extension hereby permitted. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (4) 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.

45. **ENF 410/40/07 – GRAYS MALLORY, BANBURY ROAD, BISHOPS TACHBROOK**

The Committee considered a report regarding the erection of a raised ornamental pond, timber decking with swimming pool, pool plant building and poolside leisure building, by the property owner Mr Holton.

PLANNING COMMITTEE MINUTES (Continued)

In October 2007 it was brought to the attention of the Enforcement Section that a raised timber decking area with swimming pool and associated buildings had been erected in the garden to the rear of the main house at this site on land previously set out as lawn/tennis court.

The initial site visit established that in addition to the raised decking pool complex a raised ornamental pond feature had also previously been erected adjacent to it.

The property owner was advised that planning permission was required for all of those features and that as a result of their impact on the setting of the Grade II Listed Building and the historic garden within which they are located, it was unlikely that the development would be supported by the District Council.

Nevertheless, the site owner expressed a desire to meet with the Councils Conservation Officer in order to review the position and in view of that intended approach, to date the need for formal action has been kept under review.

However, notwithstanding our willingness to attend such a meeting, it has not taken place and it is now necessary to seek authorisation for the instigation of enforcement action to resolve this matter.

RESOLVED that appropriate enforcement action be authorised directed at the removal of all of the structures with a compliance period of six months.

46. ENF 013/1/08 – DURHAM OX, 11 SHREWLEY COMMON, SHREWLEY

The Committee considered a report from the unauthorised construction of timber decking and pergola by the property owner Mr Smith.

In December 2007, planning permission was granted [W07/0811] for the relocation of the porch entrance to the building including the installation of an area of decking and revisions to the landscaping of the site.

Subsequently, in January 2008 it was brought to the attention of the Enforcement Team that an area of land at the front of the site, which was previously used for car parking had been grassed significantly beyond that approved by permission W07/0811.

Contact was made with the property owners who commenced negotiations with Development Control in relation to this matter. However in May 2008 it was reported that an extensive area of timber decking with principal dimensions of some 20 metres in both width and depth was being erected on the enlarged grassed area including a timber pergola structure, customer seating and timber planters.

In February 2009 a planning application [W09/0148] was submitted to retain the decking and pergola along with revised car parking arrangements. That application was refused under delegated powers on 28 April 2009 by reason of the inappropriateness of the structure within the Green Belt and its visual impact.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that enforcement action be authorised to ensure that the decking, pergola and associated features including planters are removed with a compliance period of two months.

47. PUBLIC AND PRESS

RESOLVED that under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item, by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

48. HORSEFAIR KENILWORTH

The Committee considered a report from Legal Services regarding the holding and management of Horsefairs on land at Thickthorn in Kenilworth.

The Committee passed some comments on the suggested the terms which were to be fed back in confidence to the Head of Legal Services to take forward.

RESOLVED that the Head of Legal Services be given delegated authority, in consultation with the Chairman and Vice-Chairman of Planning Committee to conclude the negotiations with the owner of the Land at Thickthorn Kenilworth to enter into an agreement under section 106 of the Town and Country planning Act 1990 on the basis of the proposed terms appended to the report.

(The meeting ended at 9.50pm)