

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 10 July 2007 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

PRESENT: Councillor MacKay (Chairman); Councillors; Barrott, Mrs Blacklock, Copping, Dhillon, Malcolm Doody, Edwards, Illingworth and Kinson.

An apology for absence was received from Councillor Mrs Bunker.

(Councillor Malcolm Doody substituted for Councillor Rhead)

195. DECLARATIONS OF INTEREST

Minute Number 197 – W07/0588 – 32 Kenilworth Road, Leamington Spa

Councillor Copping declared a personal and prejudicial interest because he was Chair of the Royal Leamington Spa Town Council Planning Committee when the original planning application was submitted and left the room whilst the item was discussed.

Minute Number 198 – W07/0741 LB – The Virgins and Castle, 7 High Street, Kenilworth

Councillor Mrs Blacklock declared a personal and prejudicial interest because she was the neighbour objecting to the application and left the room whilst the item was discussed.

Councillor Illingworth declared a personal and prejudicial interest because he was on the Kenilworth Town Council Planning Committee when they objected to the original planning application and left the room whilst the item was discussed.

Minute Number 199 – W07/0916 – The Virgins and Castle, 7 High Street, Kenilworth

Councillor Mrs Blacklock declared a personal and prejudicial interest because she was the neighbour objecting to the application and left the room whilst the item was discussed.

Councillor Illingworth declared a personal and prejudicial interest because he was on the Kenilworth Town Council Planning Committee when they objected to the original planning application and left the room whilst the item was discussed.

Minute Number 200 – W07/0769 – 1 Millway Drive, Bishops Tachbrook, Leamington Spa

Councillor Malcolm Doody declared a personal interest because he was Ward Councillor for the application site.

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 202 – W07/0816 – Kings High School For Girls, Chapel Street, Warwick

Councillor Dhillon declared a personal interest because he was Ward Councillor for the application site.

Councillor Kinson declared a personal and prejudicial interest because he was Governor of the Warwick Independent Schools Foundation, which included Kings High School for Girls and left the room whilst the item was discussed.

Minute Number 204 – W07/0856 – Moorfields, Leamington Spa RFC, Leamington Road, Blackdown

Councillor Malcolm Doody declared a personal and prejudicial interest because he was a member of Leamington Rugby Club and left the room whilst the item was discussed.

Councillor Copping declared a personal and prejudicial interest because he was a physiotherapist for the club and had been awarded 'Clubman of the Year' award 2007/08 and left the room whilst the item was discussed.

Minute Number 213 – W07/0869 – 16 Almond Avenue, Leamington Spa

Councillor Copping declared a personal interest because he had previously visited the site with two of the Council's Building Control officers to inspect the drains/soakaway in the summer of 2006.

Minute Number 214 – W07/0886 – Asda, Chesterton Drive, Leamington Spa

Councillors Barrott and Edwards both declared personal interests because they were Ward Councillors for the application site.

Minute Number 215 – W07/0893 – 11 Firethorn Crescent, Whitnash, Leamington Spa

Councillors Barrott, Mrs Blacklock, Dhillon, Malcolm Doody, Edwards, Illingworth, Kinson and MacKay declared personal interests because the applicant was a Warwick District Council employee.

Minute Number 217 – W07/0947 – Mill End, Mill Lane, Barford

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

196. TESCO STORE, EMSCOTE ROAD, WARWICK

The Committee considered an application from Tesco Stores Limited for the erection of extensions to and a mezzanine within superstore to provide additional sales and bulk floorspace and other associated works.

The application was presented to Committee because an objection had been

received from Warwick Town Council and a legal agreement was required.

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

GD.1 - Overriding Purpose (Warwickshire Structure Plan 1996-2011).

GD.3 - Overall Development Strategy (Warwickshire Structure Plan 1996-2011).

T.1 - Transport Objectives (Warwickshire Structure Plan 1996-2011).

T.5 - Influencing Transport Choice (Warwickshire Structure Plan 1996-2011).

TC.1 - Town Centre Uses (Warwickshire Structure Plan 1996-2011).

TC.2 - Hierarchy of Town Centres (Warwickshire Structure Plan 1996-2011).

TC.3 - Personal Services Sector (Warwickshire Structure Plan 1996-2011).

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

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

(DW) S1 - Protection and Development of Town Centres (Warwick District Local Plan 1995)

(DW) S2 - Resistance to further Out-Of-Town Retailing (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).

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

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

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

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

TCP1 - Protecting and Enhancing the Town Centres (Warwick District 1996 - 2011 Revised Deposit Version)

UAP3 - Directing New Retail Development (Warwick District 1996 - 2011 Revised Deposit Version)

DP12a - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

The following people addressed the Committee:

Mr R Smith	Objector
Mr D Owen	Objector
Mr R Bignold	Supporter

Following consideration of the officers' report, presentation and with the submissions by the public addressing the Committee, the Committee were of mixed opinion to whether the application should be granted or refused.

It was proposed, and duly seconded, that the application be granted as per the officer's report, with an amendment to condition 3 regarding the percentage of total net sales floorspace devoted to food (72%) and non food (28%) merchandise. The proposer thought it more appropriate that the percentages be changed to 75% for food and 25% for non food. A vote was taken, and the motion was lost.

The Committee were concerned that the Independent Advisor's report, GVA Grimley, did not reflect the true impact that the application would have on surrounding businesses.

It was proposed, and duly seconded, that the item be deferred for further clarification and consultation with GVA Grimley, and to hopefully resolve any doubts surrounding the legal situation regarding permitted development rights.

RESOLVED that application W05/0962 be DEFERRED to allow for further clarification and consultation with GVA Grimley, and to hopefully resolve any doubts surrounding the legal situation regarding permitted development rights.

197. 32 KENILWORTH ROAD, LEAMINGTON SPA

The Committee considered an application from Mr P Akhter for the conversion of a rear wing to form two mews dwellings, provision of additional car parking and relocation of communal bin store (part retrospective application).

The application was presented to Committee because of the number of objections received and because a request had been received from Councillor Mrs Goode.

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

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

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

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

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

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

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

DP5 - Density (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

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

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

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

The following people addressed the Committee:

Mrs M Reuser

Objector

Mr B Bassett

Supporter

Councillor De-Lara-Bond

Ward Councillor (Objecting)

Following consideration of the officers' report and presentation along with the submissions by the public addressing the Committee, the Committee were of the

opinion that new members would benefit from a site visit to see how much work had already been undertaken without permission.

RESOLVED that application W07/0588 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 and to verify the extent of works already undertaken without permission.

198. VIRGINS AND CASTLE, 7 HIGH STREET, KENILWORTH

The Committee considered an application from Everards Brewery for the erection of single storey timber extension with glazed roof and fixed benches to the rear.

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

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

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 1996 - 2011 Revised Deposit Version)

The following people addressed the Committee:
Councillor P Ryan Town Councillor (Objecting)

Following consideration of the officers' report, presentation and addendum along with the submission by the Town Councillor addressing the Committee, the Committee were of the opinion that the application should be granted in line with the officer's recommendations.

RESOLVED that application W07/0741 LB 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 207A, and specification contained therein, submitted on 24th May 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) no development shall be carried out on the site which is the subject of this permission, until large scale details of eaves, verges and rainwater goods 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 ENV11 of the Warwick District Local Plan 1995; and
- (4) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

199. VIRGINS AND CASTLE, 7 HIGH STREET, KENILWORTH

The Committee considered an application from Everards Brewery for the installation of a parasol over existing patio, erection of a fixed timber seating and new timber structure with glazed roof over.

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

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

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 1996 - 2011 Revised Deposit Version).

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

Following consideration of the officers' report, presentation and addendum along with the submission by the Town Councillor addressing the Committee, the Committee were of the opinion that the application should be granted in line with the officer's recommendations.

RESOLVED that application W07/00916 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 1323/207A, and specification contained therein, submitted on 24th May 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) no development shall be carried out on the site which is the subject of this permission, until large scale details of eaves, verges and rainwater goods 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 ENV11 of the Warwick District Local Plan 1995; and
- (4) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

200. 1 MILLWAY DRIVE, BISHOP'S TACHBROOK

The Committee considered an application from Mr and Mrs Bowen for the demolition of a rear detached garage, erection of a new garage and shed to side and repositioning boundary fence.

The application was presented to Committee because an objection had been received from Bishop's Tachbrook 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) 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).

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

The following people addressed the Committee:

Councillor R Brookes

Parish Councillor (Objecting)

Following consideration of the officers' report, presentation and with the submissions by the public addressing the Committee, the Committee were of the opinion that the application should be granted in line with the officer's recommendations with an additional condition to ensure that the existing garage be demolished.

RESOLVED that application W07/0769 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 (drawing no 1A), and specification contained therein, submitted on 8th May, 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) all external facing materials for the development (excluding the proposed shed) hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To

ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;

- (4) before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON:** To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995;
- (5) a landscaping scheme 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. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (6) the access to the site for vehicles should not be used unless a public highway footway / verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority; and
- (7) the existing garage be demolished.

201. 60 THE FAIRWAYS, LEAMINGTON SPA

The Committee considered an application from Mr K Gill for the erection of extension and alterations to the above dwelling.

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

The application had been deferred at Planning Committee on 19 June 2007 to enable site visit to take place on 7 July 2007.

PLANNING COMMITTEE MINUTES (Continued)

The Head of Planning and Engineering had recommended that the application be refused in relation to the following policies:

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

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

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

The following people addressed the Committee:

Mr N Weatheritt	Objector
Mr K Gill	Supporter

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

RESOLVED that application W07/0772 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 02 , and specification contained therein, submitted on 9th May 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; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

202. KINGS HIGH SCHOOL FOR GIRLS, CHAPEL STREET, WARWICK

The Committee considered an application from Kings High School for Girls for the erection of single storey and four storey extensions.

The application was presented to Committee because of the amount of objections received.

PLANNING COMMITTEE MINUTES (Continued)

The Committee had previously visited the site on 7 July 2007 because, at his briefing, the Chairman felt that it would be of significant benefit to the Committee to visit the site before determining the application.

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)

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

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

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

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

DAP13 - Protecting Historic Parks and Gardens (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.

The following people addressed the Committee:

Councillor Mrs Mellor	Town Council (Objecting)
Mr Fletcher	Objector
Mr R Wood	Supporter

It was proposed, and duly seconded that the application be refused on the grounds that it did not comply with Policies DP1, DP2 and DA10. It was overdevelopment within the limited curtilage of the site, grossly unneighbourly, did not preserve or enhance the development within the conservation area and had an adverse impact on the amenity of local residents due to the dominance of the design and the close proximity to neighbours. The Committee recognised that the developer had tried to address the problem of overlooking by amending the design to include obscured glazing in the tower, members were still of the opinion that the design was not in keeping with the existing building.

With regard to Policy DP1, Layout and Design, the application didn't appear to meet paragraphs a, b, d, e, f or g of the document and members also made reference to the Conservation area of Smith Street and Chapel Street document.

Members were also keen to express their support in favour of the comments, detailed in paragraph five of the addendum, regarding the Local Planning Authorities' policy within Local Conservation Area developments.

Following consideration of the officers' report, presentation and addendum along with the submission by the speakers addressing the Committee, the Committee were of the opinion that the application should be refused against the officer's recommendation.

RESOLVED that application W07/0816 be REFUSED because it is overdevelopment, grossly unneighbourly and did not conform with Policies DP1, DP2 and DA10.

203. 22 ALDERMAN WAY, WESTON-UNDER-WETHERLEY

The Committee considered a retrospective application from Mr and Mrs A Keffler for the erection of a two storey extension.

The application was presented to Committee because a request had been received from Councillor Hammon.

The Committee had previously visited the site on 7 July 2007 because, at his briefing, the Chairman felt that it would be of significant benefit to the Committee to visit the site before determining the application.

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).

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

The following people addressed the Committee:

Mr Goward	Objector
Mr Keffler	Applicant
Councillor Pratt	Ward Councillor (Objecting)

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

RESOLVED that application W07/0843 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 (116/2C) and specification contained therein, submitted on 18th May, 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; and

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

204. MOORFIELDS, LEAMINGTON SPA RFC, LEAMINGTON ROAD, BLACKDOWN

The Committee considered an application from Mercury Health Ltd for the use of land for mobile healthcare facilities.

The application was presented to Committee because a request was received from Councillor N Pratt.

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

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

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

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

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

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

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

The following people addressed the Committee:

Ms H Chambers

Agent

Councillor N Pratt

Ward Councillor (Objecting)

Following consideration of the officers' report, presentation and addendum along with the submission by the public addressing the Committee, the Committee were of the opinion that the application should be granted against the officer's recommendations.

RESOLVED that application W07/0856 be GRANTED for a 5 year period because of very special circumstances.

205. WETHERLEY BARN, SABIN DRIVE, WESTON-UNDER-WETHERLEY

The Committee considered an application from Mr R Thwaites for the construction of private ménage 20m x 40m post and rail with sand/rubber surface.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to Committee because of the number of objections and an objection from the Weston-Under-Wetherley Parish Council had been received.

The Committee had previously visited the site on 7 July 2007 because, at his briefing, the Chairman felt that it would be of significant benefit to the Committee to visit the site before determining the application.

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

(DW) EMP2 - Land for Employment Development at Siskin Drive, Baginton (Warwick District Local Plan 1995)

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

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

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

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

The following people addressed the Committee:

Mr J Warburton Objector

Mr R Thwaites Applicant

Councillor N Pratt Ward Councillor (Objecting)

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 granted in line with the officer's recommendations.

RESOLVED that application W07/0915 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(, and specification contained therein, submitted on 18th may 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 ménage hereby permitted shall only be used for purposes in connection with and incidental to the use of the land for grazing purposes and

shall not be used for purposes of a livery school or any other commercial uses. **REASON:** To protect the amenities of the area and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan 1995; and

- (4) the ménage hereby permitted shall be screened by shrubs or a hedge, together with a further planting scheme of trees to the south of the ménage details of which shall be submitted to and approved in writing by the District Planning Authority within one month of the date of this decision. Such planting shall be completed within the first planting season following the approval of the scheme and any trees, shrubs or section of hedge removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced as previously approved. **REASON :** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

206. **16 TELFORD AVENUE, LILLINGTON, LEAMINGTON SPA**

The Committee considered an application from Dhesi Estates for the Formation of larger rear dormer window to that approved on planning permission ref W/06/0732.

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

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

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

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

The following people addressed the Committee:

Mr J Dhesi	Supporter
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Following consideration of the officers' report, presentation and addendum along with the submission by the public addressing the Committee, the Committee were of the opinion that the application should be refused in line with the officers recommendations.

RESOLVED that application W07/0940 be REFUSED because:

- (1) District- Wide Policy ENV3 of the Warwick District Local Plan 1995 requires all development proposals to achieve a high standard of design and harmonise with their surroundings. This is reflected in Policies DP1 and DP2 of the emerging Warwick District Local Plan 1996-2011 (First Deposit Version) which states that development will only be permitted which positively contributes to the character and quality of the environment and will not be permitted where it has an adverse impact.

The application site is a two-storey semi-detached property which is located in a streetscene where the rhythm is characterised by properties of similar style, design and external appearance.

In the opinion of the District Planning Authority, the proposed relocation of the side facing dormer window incorporating a half hipped roof would be a prominent incongruous feature in the streetscene by reason of its size and design. It fails to read as a sympathetic design and subordinate element to the original dwelling and therefore would result in an unacceptable unbalancing of the symmetry of the appearance of this pair of semi-detached dwellings with their presently matched hipped roofs. Furthermore, the proposed alteration, if permitted, would set an undesirable precedent for such extensions in the area which would thereby be more difficult to resist and which would both individually and cumulatively have an adverse effect and would erode the established character and appearance of the roofscape within this streetscene.

The proposal would therefore be contrary to the aforementioned Local Plan Policies; and

- (2) enforcement action authorised to secure the removal of the side facing dormer window with a compliance period of 6 months.

207. ADJOURNMENT OF MEETING

The Chair adjourned the meeting of the Planning Committee held on Tuesday 10 July 2007 to Thursday 12 July 2007 at 6.00pm.

(The meeting ended at 11.00pm)

RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday 12 July 2007 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor MacKay (Chairman); Councillors Barrott, Mrs Blacklock, Copping, Dhillon, Malcolm Doody, Edwards, Illingworth and Kinson.

Apologies for absence were received from Councillor Mrs Bunker.

208. 5 CLARENDON SQUARE, LEAMINGTON SPA

The Committee considered an application from NS Optimum (Exel Pension Plan) for the erection of single storey rear extension.

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

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)

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

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

(DW) ENV11 - Retention of Listed Buildings (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).

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

DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)

DAP10 - Protection of Conservation Areas (Warwick District 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/ 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) R85.06.10, 85.06.11A & 85.06.21, and specification contained therein, submitted on 18 May 2007 & 13 June 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) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), parapets and rainwater goods 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 ENV11 of the Warwick District Local Plan 1995;
- (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 ENV3 of the Warwick District Local Plan;
- (5) all rainwater goods for the development hereby permitted shall be metal. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995; and
- (6) 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 ENV11 of the Warwick District Local Plan 1995.

209. 5 CLARENDON SQUARE, LEAMINGTON SPA

The Committee considered an application from NS Optimum (Exel Pension Plan) for the erection of rear single storey extension and internal alteration.

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

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).

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

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

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

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

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

DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version).

DAP10 - Protection of Conservation Areas (Warwick District 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 W07/0876LB 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 in accordance with the details shown on the approved drawing(s) R85.06.10, 85.06.11A & 85.06.21, and specification contained therein, submitted on 18 May 2007 & 13 June 2007, except as required by condition 3 below and 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) no development shall be carried out on the site which is the subject of this permission, until details of the design and finish to the walls of the new ensembles has 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 ENV11 of the Warwick District Local Plan 1995;
- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), parapets and rainwater goods 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 ENV11 of the Warwick District Local Plan 1995;
- (5) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (6) all rainwater goods for the development hereby permitted shall be metal. **REASON**: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995; and
- (7) 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 ENV11 of the Warwick District Local Plan 1995.

210. 9 ELIZABETH COURT, WARWICK

The Committee considered an application from Mr G Bains for the erection of a single storey side garage extension.

The application was presented to Committee because of the number of objections received.

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).

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

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

RESOLVED that application W07/0852 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 21 May and 1 June 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; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan; and

- (4) Permitted Development rights are removed.

211. WARWICK PRINTING, THEATRE STREET, WARWICK

The Committee considered an application from Trudson (Theatre) Ltd for the erection of a four storey building housing 16 apartments; provision of 19 car parking spaces at ground floor level with access to Theatre Street.

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

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

(DW) ENV22A - Archaeological Investigations in Advance of Development (Warwick District Local Plan 1995)

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

(DW) ENV6 - Protection and Enhancement of Conservation Areas (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)

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

DP9 - Pollution Control (Warwick District 1996 - 2011 Revised Deposit Version)

DP12a - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

DP4 - Archaeology (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 W07/0860 be GRANTED after amendment of the existing S106 Agreement for the conversion scheme to include the present application, 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) 2280-10, -11, -12, + -13, and specification contained therein, submitted on 16 May 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) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;

- (4) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan;

- (5) 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. 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 and finds. **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;

- (6) no development shall be carried out on the site which is the subject of this permission, until

details of a noise insulation scheme to minimise transmission of airborne noise 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** : In the interests of the amenities of future occupiers of the building;

- (7) development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by toxic or other noxious materials and on the remedial measures required to deal with the hazards. No development shall be commenced until all toxic or obnoxious materials have been removed or otherwise treated in accordance with details which have been approved in writing by the District Planning Authority. **REASON** : To protect the health and safety of future occupiers; and
- (8) 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.

212. WARWICK PRINTING, THEATRE STREET, WARWICK

The Committee considered an application from Trudson (Theatre) Ltd for the demolition of existing building.

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

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)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (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)

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 W07/0859CA be GRANTED conservation area consent subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the demolition of the building shall be carried out as a single building operation with the replacement building approved under W2007/0860. **REASON**: To protect and enhance the character of the Conservation Area.

213. 16 ALMOND AVENUE, LEAMINGTON SPA

The Committee considered an application from Mr & Mrs S Dhoot for the increase in height of roof ridge by 0.85m, installation of an additional rooflight to front roof slope and alterations to door and window openings in rear elevation and to dormer window roofs (retrospective amendments to planning permission W04/0192).

The application was presented to Committee because a previous planning application for the development was refused by Committee.

The Committee had previously visited the site on 7 July 2007 because, at his briefing, the Chairman felt that it would be of significant benefit to the Committee to visit the site before determining the application.

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)
The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (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 W07/0869 be GRANTED.

214. ASDA, CHESTERTON DRIVE, LEAMINGTON SPA

The Committee considered an application from Asda Stores for the display of various illuminated signs

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

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)

(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).

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 W07/0886 be GRANTED subject to the standard advert conditions and the conditions listed below:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 70865V01 Issue 2, and specification contained therein, submitted on 11 June 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; and
- (2) within one month of the date of the installation of the new signage hereby permitted, the existing signage on the site shall be removed.

215. 11 FIRETHORN CRESCENT, WHITNASH, LEAMINGTON SPA

The Committee considered a retrospective application from Mr & Mrs Rayall for the Erection of first floor side extension, rear ground floor extension, rear conservatory and porch extension.

The application was presented to Committee because the applicant was an existing employee of Warwick District Council. The application was a variation to an approved scheme granted in September 2006 following a site visit by the Committee.

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).

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 W07/0893 be GRANTED.

216. 16 TELFORD AVENUE, LILLINGTON, LEAMINGTON SPA

The Committee considered an application from Dhesi Estates for the formation of a larger rear dormer window to that approved on planning permission ref W/06/0732.

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

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).

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

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

RESOLVED that application W07/0939 be GRANTED.

217. MILL END, MILL LANE, BARFORD

The Committee considered an application from Mr & Mrs C Randle for the erection of two storey side, and single storey front and rear extensions.

PLANNING COMMITTEE MINUTES (Continued)

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

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)

(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)

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

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

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

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

RESOLVED that application W07/0947 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) (0425-02AB), and specification contained therein, submitted on 5 June 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; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

218. ST JOHNS PRIMARY SCHOOL, MORTIMER ROAD, KENILWORTH

The Committee considered an application from Warwickshire County Council for the installation of a modular building for use as a Children's Centre

The application was presented to Committee because it was an application which had been made to the County Council, who would determine it, on which the District Council had been asked to make comments.

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).

Following consideration of the officers' report, presentation and addendum, the Committee were of the opinion that they approve application and raise no objection in line with the officer's recommendations.

RESOLVED that application W07/0955 be approved and no objection raised.

219. TREE PRESERVATION ORDER AT 8 WORCESTER ROAD, KENILWORTH

The Committee considered a report from Warwick District Council's Tree Protection Officer for confirmation a provisional Tree Preservation Order – TPO 330 for an individual Oak tree.

Following consideration of the officers' report and presentation, the Committee were of the opinion that the application should be deferred to allow for a site visit to take place as they felt it would be of significant benefit to them when determining the Tree Preservation Order. They also requested that the Tree Protection Officer attend the site visit.

RESOLVED that TPO 330 be DEFERRED to allow for a site visit to take place as they felt it would be of significant benefit to them when determining the TPO at 8 Worcester Road, Kenilworth.

220. TREE PRESERVATION ORDER AT 11 CASITA GROVE, KENILWORTH

The Committee considered a report from Warwick District Council's Tree Protection Officer that sought confirmation for a provisional Tree Preservation Order – TPO 327 for six individual trees and one Eucalyptus.

Following consideration of the officers' report and presentation, the Committee were of the opinion that the application should be deferred to allow for a site visit to take place as they felt it would be of significant benefit to them when determining the Tree Preservation Order. They also requested that the Tree Protection Officer attends the site visit.

RESOLVED that TPO 327 be DEFERRED to allow for a site visit to take place as they felt it would be of significant benefit to them when determining the TPO at 11 Casita Grove, Kenilworth.

221. TREE PRESERVATION ORDER AT THE PADDOCKS & 51 AND 63 PARK HILL, KENILWORTH

The Committee considered a report from Warwick District Council's Tree Protection Officer that sought the confirmation for a provisional Tree Preservation Order – TPO 314 for four individual trees and two Cedar trees.

Following consideration of the officers' report and presentation, the Committee were of the opinion that the application should be deferred to allow for a site visit to take place as they felt it would be of significant benefit to them when determining the Tree Preservation Order. They also requested that the Tree Preservation Officer attends the site visit.

RESOLVED that TPO 314 be DEFERRED to allow for a site visit to take place as they felt it would be of significant benefit to them when determining the TPO at The Paddocks & 51 and 63 Park Hill, Kenilworth. Tree Preservation Officer to also attend the site visit.

222. LAND TO REAR OF 11 RISING LANE, BADDESLEY CLINTON

The Committee considered a report from Planning and Engineering to request authorisation of enforcement action in relation to the change of use of land from agricultural land to garden land at land to rear of 11 Rising Lane, Baddesley Clinton.

This matter was reported to the Enforcement Section in October 2006 by the Baddesley Clinton Parish Council that agricultural land outside the established curtilage of the property was being used as garden land.

The Head of Planning and Engineering believed the following policies to be relevant to this case:

[DW] ENV1 Green Belt [Warwick District Local Plan 1995]

[DW] ENV3 – Development Principles, Warwick District Local Plan 1995

DAP 1 Protecting the Green Belt [Warwick District Local Plan 1996 – 2011 Revised Deposit Version].

After consideration of the officers' report and presentation, the Committee were of the opinion that the enforcement action should be authorised.

RESOLVED that enforcement action be authorised with a compliance period of one month requiring that the use of the land as domestic garden curtilage ceases and it be returned to agricultural use.

223. PHOENIX RESTAURANT, 11 EUSTON PLACE, LEAMINGTON SPA

The Committee considered a report from Planning and Engineering to request authorisation of enforcement action for the unauthorised installation of rear fume extraction system and front elevation rainwater pipe at Phoenix Restaurant, 11 Euston Place, Leamington Spa.

This matter was reported to Committee because it was brought to the attention of the enforcement section in July 2004 that a new fume extraction system flue had been installed on the rear elevation of this Listed Building. In addition, a plastic rainwater down pipe had been installed on the front elevation and UPVC windows installed at first and second floor level also on the front elevation.

The Head of Planning and Engineering believed the following policies to be relevant to this case:

(DW) ENV6 – Protection and Enhancement of Conservation Areas [Warwick District Local Plan 1995]

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

(DW) ENV9 – Design Guidance for New Development within Conservation Areas [Warwick District Local Plan 1995]

DP 1 Layout and Design (Warwick District Local Plan 1996-2011 Revised Deposit Version).

DP 2 Amenity (Warwick District Local Plan 1996-2011 Revised Deposit Version)

DAP 10 Protection of Conservation Areas (Warwick District Local Plan 1996-2011 Revised Deposit Version).

After consideration of the officers' report and presentation, the Committee were of the opinion that the enforcement action should be authorised.

RESOLVED that enforcement action be authorised with a compliance period of two months requiring the removal of the rear elevation fume extraction system and the front elevation rainwater down pipe.

224. LAND AT OAK COTTAGE, ROUNCIL LANE, BEAUSALE

The Committee considered a report from Planning and Engineering to request authorisation of enforcement action for the change of use of land from agricultural land to garden land at land at Oak Cottage, Rouncil Lane, Beausale.

This matter was reported to the Enforcement Section in November 2006 that agricultural land outside the established curtilage of the property was being used as garden land. The grass was cut short giving the appearance of a lawned garden and domestic style timber bench and seating placed on the grass.

In addition a timber building had been erected and leisure/sport equipment placed on the grass including goal posts and netting.

The result of this was that visually the land had the appearance of a domestic garden. The property was being offered for sale and in the sales literature a photograph of the area in question described it as garden/grounds.

The Head of Planning and Engineering believed the following policies to be relevant to this case:

[DW] ENV1 Green Belt [Warwick District Local Plan 1995]

DAP 1 Protecting the Green Belt [Warwick District Local Plan 1996 – 2011 Revised Deposit Version].

After consideration of the officers' report and presentation, the Committee were of the opinion that the enforcement action should be authorised.

RESOLVED that enforcement action be authorised with a compliance period of one month requiring that the use of the land as domestic garden curtilage ceases and it be returned to agricultural use.

225. DEVELOPMENT CONTROL PERFORMANCE STATISTICS

The Committee considered a report from Planning and Engineering to advise members of the Committee of the current development control performance.

The Department for Communities and Local Government regularly publish performance statistics for development control which report to Committee every quarter.

On behalf of the Committee, the Chairman commended Development Control for their hard work and very satisfying statistics.

RESOLVED that the report be noted.

(The meeting ended at 8.05 pm)