

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 9 January 2008 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

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

An apology for absence was received from Councillor Kinson.

787. **DECLARATIONS OF INTEREST**

Minute Number 789 – W07/ 1777 – 61 Lillington Road, Leamington Spa

Councillor Illingworth declared a personal interest because his wife was on Warwick District Towns Conservation Area Advisory Forum.

Minute Number 790 – W07/1653 – Hillford House, Barford Road, Barford

Councillor Barrott declared a personal interest because he lived in the Parish of Barford.

Councillor Rhead declared a personal interest because the site of the application was in his Ward.

Minute Number 791 – W07/ 1786 – Mallards Reach, Barford Road, Barford

Councillor Barrott declared a personal interest because he lived in the Parish of Barford.

Councillor Rhead declared a personal interest because the site of the application was in his Ward.

Minute Number 793 – W07/1859CA - Mallards Reach, Barford Road, Barford

Councillor Barrott declared a personal interest because he lived in the Parish of Barford.

Councillor Rhead declared a personal interest because the site of the application was in his Ward.

Minute Number 795 – W07/ 1895 – 52 Rawnsley Drive, Kenilworth

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

788. **491 TACHBROOK ROAD, WHITNASH**

The Committee considered an application from Mr & Mrs Whitworth for demolition work to the rear, the erection of a ground floor side extension and a new first floor.

PLANNING COMMITTEE MINUTES (Continued)

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

The Committee was reminded of their resolution to grant permission at the meeting of this Committee held on 12 December 2007. However, the Head of Legal Services had advised that the resolution should be disregarded in order that they reconsidered the application following compliance with the public speaking procedure and the hearing of any views expressed through that process. Therefore this would allow the objector to address the Committee.

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

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

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

In the opinion of the Head of Planning and Engineering, the development respected the surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents.

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

The following people addressed the Committee:

Mrs Daly	Objector
Mr Whitworth	Applicant

Following consideration of the officer's report, the addendum and presentation along 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 recommendation.

RESOLVED that application W07/1722 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings (Drg Nos. 1768/2 and 1768/3, and specification contained therein, submitted on 15th October 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. REASON : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) the existing wall on the boundary be retained at its current height.

789. 61 LILLINGTON ROAD, ROYAL LEAMINGTON SPA

The Committee considered an application from TAG Exclusive Properties for part demolition of existing building containing 12 flats, alterations and extensions to result in the retention of 12 flats with associated parking and amenity area.

The application was presented to Committee following a request by the Ward Councillor, Councillor De-Lara-Bond (who had also requested that a site visit take place), and because of the number of objections which had been received.

The Committee had visited the site on 5 January 2008 because the Chairman had felt it would be beneficial to the Committee to visit the site before they determined the application.

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

Managing Housing Supply (Supplementary Planning Document)

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

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

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

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

In the opinion of the Head of Planning and Engineering, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located or to the amenity of neighbours. The proposal was therefore considered to comply with the policies listed.

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

The following people addressed the Committee:

Mrs C Russell	Objector
Mr P Manning	Agent
Councillor Ms De-Lara-Bond	Ward Councillor

Following consideration of the officer's report, the addendum and presentation along with the submissions by the public addressing, a motion to refuse the application, contrary to the officers recommendation, was proposed and duly seconded. This was lost on a vote of 2 in favour and 7 against. It was then duly proposed and seconded that the application be granted in line with the officers recommendation.

RESOLVED that application W07/1777 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. 2719/03C, 04E, 05E, 06 and 07 and specification contained therein, deposited with the District Planning Authority on 18th December 2007 and 20th December 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, lightwells, railings, new boundary wall, cycle stands, conservation roof lights, dormer 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 DAP8 of the Warwick District Local Plan 1996-2011;
- (4) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (5) all rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **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. (LB) / To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011. (CA);
- (6) all windows shown on drawing 2719/05E by stippled finish to be obscure glazed shall be installed as such and thereafter by maintained obscure glazed at all times. **REASON** : To protect the amenity of local residents in accordance with Policy DP2 in the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (7) no lighting shall be fixed to the external walls or roof(s) of the building hereby permitted, or on any open land within the application site without the written consent of the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (8) 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;

- (9) 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 DP3 of the Warwick District Local Plan 1996-2011;
- (10) before the development hereby permitted is first commenced a scheme for a sustainable drainage system for this development shall be submitted to and approved in writing by the District Planning Authority. The development shall be implemented strictly in accordance with this approved scheme. **REASON :** To ensure that best practicable means are used to provided for the disposal of surface water by a sustainable system to comply with Policy DP11 in the Warwick District Local Plan 1996-2011;
- (11) before the development hereby permitted is first commenced, a scheme for the installation of solar water heating to serve this development shall be submitted to and approved in writing by the District Planning Authority. The development shall be implemented strictly in accordance with this approved scheme which shall thereafter be retained and maintained at all times in accordance with the manufacturers instructions. **REASON :** To ensure the use of energy from renewable energy resources in accordance with the requirements of Policy DP13 of the Warwick District Local Plan 1996-2011;

- (12) the car and cycle parking scheme shown on Drawing No. 2719/03C shall be implemented strictly in accordance with the details shown on that drawing before any of the flats hereby permitted are first occupied. **REASON** : To ensure adequate parking provision is available in accordance with the requirements of Policy DP8 in the Warwick District Local Plan 1996-2011); and
- (13) before the development hereby permitted is first commenced a scheme to ensure that the future occupiers of the flats hereby permitted are not adversely affected by noise from the existing electricity sub-station shall be submitted to and approved in writing by the District Planning Authority. Such approved scheme shall be complemented strictly as so approved before any flat is first occupied and thereafter shall be retained as approved at all times. **REASON** : To protect the amenity of future occupiers of the flats in accordance with the requests of Policy DP2 in the Warwick District Local Plan 1995.

790. HILLFORD HOUSE, BARFORD ROAD, BARFORD

The Committee considered an application from Mrs C Allfrey for the erection of new entrance gates, bin, oil tank store and boundary fencing.

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

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

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

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

In the opinion of the Head of Planning and Engineering, the development did not adversely impact on the character and appearance of the area. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that application W07/1653 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the amended approved drawing(s) 967-04A and specification contained therein, submitted on 27 November 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

791. MALLARDS REACH, BARFORD ROAD, BARFORD

The Committee considered an application from Ms K Samrai for the erection of a replacement dwelling and double garage.

The application was deferred at Planning Committee at its meeting on 12 December because an objection had been received from a neighbour, which had only been found prior to the start of the meeting. Barford Parish Council had also raised objection to the application.

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

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

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)

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

In the opinion of the Head of Planning and Engineering, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. The proposal was therefore considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

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

RESOLVED that application W07/1786 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. 2362.10 Rev B, 2362.4 Rev B, 2362.3 Rev B, 2362 Rev A, 2362.5 Rev B, 2362.1 Rev A, 2362.6 Rev. C, and specification contained therein, submitted on 18th October and 22nd November 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.
REASON : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and

- (4) 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. 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.

792. LAND OFF QUEENS SQUARE, WARWICK

The Committee considered an application from Orbit Housing Association for the construction of 6 affordable homes.

The application was presented to Committee because five objections had been received.

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

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

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

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

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

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

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

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

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

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

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

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

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

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

SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning and Engineering, the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of loss of amenity or parking which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

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

RESOLVED that application W07/1799 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) 5393.300B, .301 + .302, and specification contained therein, submitted on 23 October + 13 December 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.
REASON : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

- (4) a landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and

- (5) the dwellings hereby approved shall only be occupied in accordance with the requirements of Policy SC11 of the Warwick District Local Plan 1996-2011 as affordable housing and shall be managed at all times by a Registered Social Landlord. **REASON** : Since the erection of other dwelling types would not be in accordance with the Managing Housing Supply SPD under Policy SC10 of the Warwick District Local Plan 1996-2011.

793. MALLARDS REACH, BARFORD ROAD, BARFORD

The Committee considered an application from Ms K Samrai for the demolition of existing dwelling.

The application was not considered at Planning Committee held on 12 December 2007 because an objection had been received on the related planning application (W07/1786).

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

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

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

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

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

In the opinion of the Head of Planning and Engineering, the proposed demolition would not result in harm to the character or appearance of the Conservation Area and the proposal was considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

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

RESOLVED that application W07/1859CA be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and
- (2) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment under planning permission W07/1786 has been made. **REASON** : To ensure that the character of the Conservation Area is protected in accordance with policies DAP8 and DAP9 of the Warwick District Local Plan 1996-2011.

794. **22 COTEN END, WARWICK**

The Committee considered an application from Alburn Minos Developments Ltd for a mixed development (2 storey) comprising ground floor retail (to include A5 hot food take-away use and dry cleaners) and first floor residential (10 no flats) (Revision to scheme approved under planning permission W07/0327 dated 11 June 2007).

The application was submitted to the Committee because of the number of objections which had been received.

The Head of Planning and Engineering 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)
SC11 - Affordable Housing (Warwick District Local Plan 1996 - 2011)
SC10 - Managing Housing Supply (Warwick District Local Plan 1996 - 2011)
UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning and Engineering, the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of loss of residential amenity which would justify a refusal of permission.

PLANNING COMMITTEE MINUTES (Continued)

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

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

RESOLVED that application W07/1887 be GRANTED after completion of a Section 106 unilateral undertaking controlling the flats as affordable units, 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 numbers 1982/02 Rev. A, /08 Rev. A, and specification contained therein, received on 12th and 30th November 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

- (4) a landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (5) 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;
- (6) no development shall be carried out on the site which is the subject of this permission, until details of a cooking fume extractor for the pizza take-away unit have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON :** To ensure that the residential amenities of the flats above, and other neighbours, are not unreasonably affected and to satisfy Policy DP2 of the Warwick District Local Plan 1996-2011;

- (7) not more than 4500 sq. ft. of the retail floor area, as shown on the approved layout plan, shall be used for the sale of convenience goods, as defined in Table 3 of Annex A of PPS6: Planning for Town Centres (2005), other than for the sale of wines and spirits for consumption off the premises. **Reason:** Since a larger floor area for convenience goods could prejudice the viability and vitality of the Coten End Local Centre, as defined in the Revised Deposit Version of the Warwick District Local Plan 1996-2011; and
- (8) unit 2 shall be used for the preparation and sale of pizzas for consumption off the premises and for no other purpose including any other purpose in Class A5 of Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. **REASON:** Other uses within this Use Class may not be appropriate in these premises by reason of the potential for significant cooking odours and the need for extract flue ducting which could be seriously detrimental to the amenities of residents of the flats above, and to satisfy Policy DP2 of the Warwick District Local Plan 1996-2011.

795. 52 RAWNSLEY DRIVE, KENILWORTH

The Committee considered a retrospective application from Mr M McGovern for the erection of a picket fence at the side of the front garden.

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

The Committee had visited the site on 5 January 2008 because the Chairman had felt it would be beneficial to the Committee to visit the site before they determined the application.

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

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

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

In the opinion of the Head of Planning and Engineering, the development did not adversely impact on the character and appearance of the area.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the officer's report and presentation, a motion was proposed and duly seconded to refuse the application, contrary to the officers recommendation. This was voted 6 in favour and 3 against.

RESOLVED that

- (1) application W07/1896 be REFUSED because it is out of keeping with area, departs from planned layout of area and sets and undesirable precedent; and
- (2) enforcement action be authorised, with a compliance period of 3 months

796. **ARCHWAY HOUSE & DROSKYN, KENILWORTH ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from Milcel Ltd for alterations to approve scheme W/06/0661 to provide four new windows on first floor.

The application was submitted to the Committee because of the number of objections which had been received.

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

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

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

In the opinion of the Head of Planning and Engineering, the proposed development was of an acceptable standard of design which would harmonise with the design and appearance and its surroundings and did not result in an unacceptable adverse impact on the amenity of nearby residents by reason of loss of light or privacy.

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

RESOLVED that application W07/1928 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 in accordance with the details shown on the approved drawing numbers 1099/06K and 1099/05H, and specification contained therein, submitted on 20 November 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) notwithstanding the details shown on drawing number 1099/06K the 4 new windows in the first floor in both the north and south elevations hereby permitted shall be non-opening and obscure glazed and retained as such at all times thereafter. **REASON** : To protect the amenity of the occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

797. QUARTERLY PLANNING STATISTICS

The Committee considered a report from the Head of Planning on the Development Control Performance Statistics, and these were detailed in the report.

The Department for Communities and Local Government regularly published performance statistics for development control which were reported to the Planning Committee every quarter.

CLG advice was that the planning statistics should be reported regularly to the Planning Committee so as to provide feedback on performance against government targets

The statistics related to national best value performance indicators BV 109 (a), (b), and (c).

The relevant government targets for these indicators were:-

BV109(a) - % of major planning applications decided in 13 weeks – 60%

BV109(b) - % of minor planning applications decided in 8 weeks – 65%

BV109(c) - % of other planning applications decided in 8 weeks – 80%

RESOLVED that the report be noted.

798. TPO CONFIRMATION PROCESS REVIEW

The Committee considered a report from Planning and Engineering on the review of procedures and possible changes to the way the confirmation of Tree Preservation Orders was handled.

Following the 12 December 2007 meeting of this Committee, objectors to the confirmation of two tree preservation orders requested to speak at the meeting to address the Committee with their objections. Both objectors were allowed to speak at the Chairman's discretion, since the existing provisions within the Council's Constitution did not expressly preclude speaking rights on matters other than planning applications.

The ongoing process to review tree preservation orders had resulted in a succession of reports for confirmation of Orders being included on Planning Committee agendas and this process was likely to continue.

Officers had undertaken research within a number of local authorities to find whether public speaking was allowed on tree preservation matters. It was common practice for a decision on the confirmation of an order to be made by councillors, with some authorities having a sub-group/committee of councillors specifically charged with this duty rather than the whole committee being involved.

It was considered that the idea of an additional specific meeting with a small sub-committee of members would have merit and promote a more focused scrutiny on confirmation of orders. Given that there was a six month period for confirmation of provisional orders; such meetings would be held on a quarterly basis. In the event that the sub-committee of members were unable to reach a decision on whether the TPO should be confirmed, the matter would be referred to the full Planning Committee for decision.

A briefing session for the sub-committee of councillors would be undertaken by the specialist tree officers within the Council prior to the first quarterly meeting. Additional written guidance would also be provided and a specialist tree officer would attend the quarterly meetings.

A proposal in line with the officers recommendation was proposed and duly seconded but an agreement on this could not be reached and it was agreed to defer this item until the reserve evening.

799. ADJOURNMENT OF MEETING

The Chairman adjourned the meeting of the Planning Committee held on Wednesday 9 January 2008 to Thursday 10 January 2008 at 6.00pm.

(The meeting ended at 9:30pm)

RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday 10 January 2008 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Apologies for absence were received from Councillors Kinson and Rhead.

800. TPO CONFIRMATION PROCESS REVIEW

The Committee reviewed the paperwork on this matter as considered at the previous night and the recommendation of the report was proposed and duly seconded subject to the sub-committee being politically balanced and the confirmation process for Tree Preservation Orders being a twelve month trial.

RECOMMENDED that the public speaking procedure be amended to allow members of the public to address the Committee on items relating to the confirmation of Tree Preservation Orders (TPOs) and Planning Applications.

RESOLVED that

- (1) a politically balanced Tree Preservation Order Sub-Committee be appointed, consisting of six members be appointed to deal with the confirmation of TPO's, meeting on a quarterly basis; and
- (2) the TPO confirmation process be reviewed again in 12 months.

801. RESIDENTIAL DESIGN GUIDE

The Committee considered a report from Policy, Projects and Conservation on the adoption of the Residential Design Guide.

In 2005 it was agreed that a Residential Design Guide was needed for Warwick District.

The document provided guidance on all aspects of residential design and should provide a framework, against which, all new residential properties and extensions to residential properties would be evaluated. The aim of the guide was not to provide a copy book approach to designing houses, but to stimulate good design, well related to its surroundings and serving the needs of the community. The guide sought to pull together sources of reference for more detailed aspects of residential design. The document was set out into sections with an introduction and guidance on how to use the document. All planning applications were now required to be accompanied by a design and access statement and a check list be provided in the appendices to help applicants relate their design to the contents of the guide.

PLANNING COMMITTEE MINUTES (Continued)

In preparing the documents, significant public consultation had taken place and initially a forum of potential users including architects, house builders, representatives from English Heritage and other bodies were drawn together to scrutinise the original document. It was also circulated widely amongst Development Control Officers and other users within the District Council, prior to the final version being produced. A copy of the final document was attached to the report.

Members addressed areas of the guide which could be improved upon including page numbering, contents, and clarification of good or bad examples set out in section 7 of the guide.

It was proposed and duly seconded that the Residential Design Guide be approved, subject to delegated authority be given to the Chair and Vice-Chair of this Committee to approve any minor changes. The motion was voted for unanimously.

RESOLVED that

- (1) the report be noted;
- (2) the Residential Design Guide be approved as Supplementary Planning Guidance and the document to be used for Development Control purposes, subject to delegated authority be given to the Chair and Vice-Chair of this Committee to approve minor changes;
- (3) all officers involved in the production of the residential design guide be thanked for their hard work and congratulated on creating the design guide.

(The meeting ended at 7.15pm)