

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 27 January 2010 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

254. DECLARATIONS OF INTEREST

Minute Number 256 – W09/1472 – Talisman Square, Warwick Road, Kenilworth

Councillors Barrott, Mrs Bunker, Copping, Ms Dean, Mrs Higgins, Kinson and Rhead declared personal interests because Warwick District Council would, in the future, gain revenue from this land.

Councillor Mrs Blacklock declared a personal interest because Warwick District Council would, in the future, gain revenue from this land, the application site was in her Ward and the objectors were known to her.

Councillor Illingworth declared a personal interest because Warwick District Council would, in the future, gain revenue from this land, the application site was in his Ward and both the objectors and supporters were known to him.

Minute Number 258 – W09/0475 – 37 Regent Street, Leamington Spa

Councillor Ms Dean declared a personal interest because the application site was in her Ward.

Minute Number 259 – W09/1313 – 147 Whitemoor Road, Kenilworth

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

Minute Numbers 260 & 261 – W09/1333 & W09/1334 CA – Rear of 25 Clinton Lane, Kenilworth

Councillors Mrs Blacklock and Illingworth declared personal interests because the application site was in their Ward.

Minute Number 263 – W09/1421 - Land adjacent to Warwick Parkway Station, Old Budbrooke Road, Budbrooke, Warwick

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

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Minute Number 265 – W09/1374 – Victoria Park, Archery Road, Leamington Spa

All members of the Planning Committee declared personal interests because the application had been made by Warwick District Council.

Minute Number 266 – W09/1474 – Greenacres, 34 Bridge Street, Barford, Warwick

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

255. MINUTES

The minutes of the meetings held on 6 January 2010 were not confirmed as a correct record because Members felt they had not had sufficient time to consider them.

256. W09/1472 – TALISMAN SQUARE, WARWICK ROAD, KENILWORTH

The Committee considered an application from Cobalt Estates (Kenilworth) for the use of land as a temporary car park after demolition of existing buildings.

The application was presented to the Committee following a request from Councillor Mrs Blacklock.

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

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

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

DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the proposal was considered to be a satisfactory temporary use for the land, given that the proposals to construct the new shopping centre were unable to proceed at present. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Ms Patricia Cain	Kenilworth Town Council - commenting
Mr Richard Morris	Objector
Mr Bill Wareing	Supporter

Members were concerned that although the application was a temporary arrangement, the additional vehicles being brought into what was a pedestrian area of the town would put members of the public at risk.

Following consideration of the officer's report and presentation, the information contained within the addendum and the representations made, the Committee

PLANNING COMMITTEE MINUTES (Continued)

were of the opinion that the application should be refused contrary to the officer's recommendation.

RESOLVED that application W09/1472 be REFUSED for the following reasons:

- (1) Contrary to Urban Area Policy 6.1, relating to reducing the need to use the private car;
- (2) Contrary to DP15 paragraph 4.93, relating to the Disability Discrimination Act 1995;
- (3) Contrary to DP2 because the application would be detrimental to the amenities of the shopping environment; and
- (4) Contrary to DP6, relating to access.

257. W09/1191 – LAND ADJACENT 41 BRIDGE END, WARWICK

The Committee considered an application from Mr Kedgley for the erection of a dwelling.

The application was presented to the Committee due to the number of objections that had been received and had been deferred at Planning Committee on 6 January 2010 to enable a site visit to take place. A site visit was undertaken on 23 January 2010 to assist the Committee in reaching their decision.

The case officer 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)
- DP10 - Flooding (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (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)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

It was the case officer's opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of impact on the Conservation Area, flood risk, the adjoining tree, or the

PLANNING COMMITTEE MINUTES (Continued)

neighbours which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Christine Hodgetts	CAAF Objecting
Mr Richard Hill	Objector
Mr Gary Kedgley	Applicant
Councillor Mrs Mellor	Ward Councillor (objecting)

Members were concerned that a condition regarding ten percent renewable energy hadn't been included and agreed that this should be added.

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

RESOLVED that application W09/1191 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 2009/50-1, /50-2A, /50-3B, /50-5B, /50-6, /50-7B, and specification contained therein, submitted on 25/9/09 and 27/11/09 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of 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

PLANNING COMMITTEE MINUTES (Continued)

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) 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. **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;
- (6) the foundations shall be constructed in accordance with the submitted method system, unless otherwise agreed in writing by the District Planning Authority, and the work shall be supervised by the Council's Green Infrastructure Manager as the nominated representative of the Planning Authority. **REASON** : To ensure that the adjoining tree is adequately protected in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (7) no development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the

PLANNING COMMITTEE MINUTES (Continued)

applicant and approved by the District Planning Authority. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011;

- (8) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policies DP1 and DP2 and to protect the character of the Conservation Area in accordance with Policy 8 of the Warwick District Local Plan 1996-2011;
- (9) details of a sustainable system for disposal of storm water from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water; and
- (10) 10% renewable energy condition required.

(The above decision is a summary of the reasons for grant and under delegated powers the Group Leader Development Control is entitled to formulate and issue decision notices following consideration by the Planning Committee in accordance with the resolution of the Planning Committee).

258. W09/0475 – 37 REGENT STREET, ROYAL LEAMINGTON SPA

The Committee considered an application from Mr Kandola for the retention of single and two storey rear extension in modified form to be used as a restaurant. This is a part retrospective application.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to the Committee due to the number of objections and an objection from Leamington Town Council having been received.

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

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

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

Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

DP6 - Access (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)

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

TCP13 - Design of Shopfronts (Warwick District 1996 - 2011 Revised Deposit Version)

TCP5 - Secondary Retail Areas (Warwick District 1996 - 2011 Revised Deposit Version)

Vehicle Parking Standards (Supplementary Planning Document)

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

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

Sustainable Buildings (Supplementary Planning Document - December 2008)

It was the case officer's opinion that the development was of an acceptable standard of design which is in keeping with the architectural and historic character of the Conservation Area within which the site was located.

Furthermore, the proposal was considered to have an acceptable impact on the living conditions of nearby dwellings and on the vitality and viability of the Town Centre. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Mrs Ruth Bennion	CAAF Objecting
Mr Bill Gifford	Objector
Mr Alex Hales	Supporter

Following consideration of the officer's report and presentation, the information contained within the addendum and the representations made, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation but with an additional condition regarding the brickwork. Members were concerned that the existing brickwork should be treated appropriately to bring it up to a satisfactory standard for the Conservation Area.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W09/0475 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) PL01C, and specification contained therein, submitted on 18 December 2009, unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy DP1;
- (2) within 3 months of the date of this permission, the existing building shall be modified to accord with approved drawing no. PL01C. **REASON** : To protect the character and appearance of the Conservation Area, in accordance with Policy DAP8 of the Warwick District Local Plan;
- (3) within 1 month of the date of this permission, large scale details of the shopfront, eaves, verges and rainwater goods at a scale of 1:5 shall be submitted to the District Planning Authority for approval. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : For the avoidance of doubt, and 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) the premises shall not be used as a restaurant unless and until details of a fume extraction system have been submitted to and approved by the District Planning Authority and the approved fume extraction system has been installed in full accordance with such approved details.
REASON : To protect the amenities of surrounding properties, in accordance with Policy DP1 of the Warwick District Local Plan;
- (5) the restaurant hereby permitted shall not be used unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The restaurant shall not be first used until all the works within this scheme have been completed and thereafter the

PLANNING COMMITTEE MINUTES (Continued)

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;

- (6) all rainwater goods for the development hereby permitted shall be metal. **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;
- (7) the doors in the north facing elevation of the two storey rear extension hereby permitted shall not open over the public highway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP1 of the Warwick District Local Plan;
- (8) the function room hereby permitted shall only be used for purposes ancillary to the use of the premises as a restaurant within Use Class A3 and shall not be used for any purposes outside of Use Class A3. **REASON** : For the avoidance of doubt and to protect the living conditions of nearby dwellings, in accordance with Policy DP2 of the Warwick District Local Plan;
- (9) the restaurant hereby permitted shall not be used unless and until the bin storage area has been provided in strict accordance with the approved plans. The bin storage area shall be retained and kept available for the storage of refuse from the restaurant at all times thereafter, unless agreed otherwise in writing by the District Planning Authority. **REASON** : To protect the amenities of occupiers nearby dwellings and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (10) no lighting shall be fixed to the external walls or roof 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

PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 1996-2011; and

- (11) that the existing brickwork be treated to achieve a finish that satisfies the Local Authority and the Conservation Officer, by whatever means necessary.

PLANNING COMMITTEE MINUTES (Continued)

259. W09/1313 – 147 WHITEMOOR ROAD, KENILWORTH

The Committee considered an application from Mr G Eastham for the erection of a single storey and first floor side/rear extensions, after demolition of existing garage, and the erection of a canopy above the front door.

The application was presented to Committee because two previous applications had been dismissed on appeal for two storey rear extensions at this property (in 2001) and it was considered prudent for this application to be referred to Planning Committee.

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

The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

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

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

RESOLVED that application W09/1313 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved amended drawing 0978-02 Revision B, and specification contained therein, submitted on 14th December, 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

260. W09/1333 – REAR OF 25 CLINTON LANE, KENILWORTH

The Committee considered an application from Mrs D Woodward & Mrs A Bond for the demolition of single storey industrial premises, proposed refurbishment of existing two storey building for employment use and erection of 6 number new dwellings.

The application was presented to the Committee because of the number of objections received and was deferred at Planning Committee on 6 January 2010 to enable a site visit to take place. A site visit was undertaken on 23 January 2010 to assist the Committee in reaching a decision.

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

Vehicle Parking Standards (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)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development achieved acceptable standards of layout and design and would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. In addition, it was considered that the development would not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation the Committee were of the opinion that the application should be refused as the loss of employment land was not acceptable. They felt that the application had not demonstrated exceptional circumstances as necessary to satisfy Policy SC2, paragraph 5.10 in particular.

RESOLVED that application W09/1333 be REFUSED as it did not satisfy Policy SC2 which deals with the protection of Employment Land and Buildings.

PLANNING COMMITTEE MINUTES (Continued)

261. W09/1334 CA – REAR OF 25 CLINTON LANE, KENILWORTH

The Committee considered an application from Mrs D Woodward & Mrs A Bond for the demolition of single storey industrial premises.

The application was presented to the Committee because the associated planning application W09/1333 was also being presented.

The application was deferred at Planning Committee on 6 January 2010 to enable a site visit to take place. A site visit was undertaken on 23 January 2010 to assist the Committee in reaching a decision.

The case officer 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)

The case officer was of the opinion that 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.

Because the associated planning application had been refused, it was not appropriate to allow demolition and Members agreed it should, therefore, be refused.

RESOLVED that application W09/1334 CA be **REFUSED** as it was not appropriate to allow demolition as the previous scheme had been refused.

262. W09/1349 – 1 BOSTOCK CRESCENT, WESTON UNDER WETHERLEY, ROYAL LEAMINGTON SPA

The Committee considered an application from Mrs Mobbs for the erection of a two storey side and single storey rear extension and new canopy porch, after demolition of existing.

The application was presented to the Committee because Weston under Wetherley Parish Council, due to a number of declared conflicting interests, stated they could not object to a scheme that they felt may have an impact on the living conditions of a neighbour and had requested that the Planning Committee carry out an inspection in this case.

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

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

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

PLANNING COMMITTEE MINUTES (Continued)

RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

The case officer was of the opinion that the proposed development was of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings and did not prejudice the openness and rural character of this green belt area nor result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that application W09/1349 be GRANTED in accordance with 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) 2071 15 B, and specification contained therein, submitted on the 4th January 2010, 2071 01 B, and specification contained therein, submitted on the 4th January 2010, 2071 16, and specification contained therein, submitted on the 27th November 2009, 2071 12 F, and specification contained therein, submitted on the 9 November 2009, 2071 14 G, and specification contained therein, submitted on the 13th January 2010, 2071 11 H, and specification contained therein, submitted on the 13th January 2010. 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

PLANNING COMMITTEE MINUTES (Continued)

the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and

- (4) prior to the occupation of the development hereby permitted, the first floor window(s) in the western side elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window(s) shall be retained and maintained in that condition at all times.
- REASON** : To protect the privacy of users and occupiers of nearby properties and or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

263. W09/1421 – LAND ADJACENT TO WARWICK PARKWAY STATION, OLD BUDBROOKE ROAD, BUDBROOKE, WARWICK

The Committee considered an application from Chiltern Railway Company Ltd for the renewal of Planning Permission W/07/0126 as permanent consent for the continued use of the site for car parking in association with the station.

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

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

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
SC3 - Supporting Public Transport Interchanges (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that for the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision were summarised as follows:

In the very special circumstances of the application and taking into account the need to encourage the use of sustainable forms of transport, it was considered that the proposals comply with the policies listed.

Following consideration of the officer's report and presentation and the information contained within the addendum, the Committee were of the opinion

PLANNING COMMITTEE MINUTES (Continued)

that the application should be granted in accordance with the officer's recommendation.

RESOLVED that application W09/1421 be GRANTED in accordance with the following condition:

- (1) the development hereby permitted shall be retained strictly in accordance with the details shown on the approved drawing MCN-001 A and specification contained therein, submitted on 25 November 2009, unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (2) that Warwickshire County Council divert the footpath prior to commencement of development.

(The above decision is a summary of the reasons for grant and under delegated powers the Group Leader Development Control is entitled to formulate and issue decision notices following consideration by the Planning Committee in accordance with the resolution of the Planning Committee).

264. **W09/1373 – 18 COVENTRY ROAD, BAGINTON, COVENTRY**

The Committee considered an application from Mrs Kurzburg for the erection of a new single storey rear extension after the demolition of the existing extension, together with conversion of existing roofspace with new dormer windows on front and rear elevations and the erection of new garage.

This application was withdrawn from the agenda at the discretion of the Chairman.

265. **W09/1374 – VICTORIA PARK, ARCHERY ROAD, ROYAL LEAMINGTON SPA**

The Committee considered an application from Warwick District Council for the erection of 12 number 8.38 metre high flood lighting columns to serve 5 number tennis courts.

The application was presented to the Committee because the application had been submitted by Warwick District Council.

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

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

DAP11 - Protecting Historic Parks and Gardens (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

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

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

The case officer was of the opinion that the development would not cause unacceptable harm to the special character and appearance of this Registered Park and 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.

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

RESOLVED that application W09/1374 be GRANTED in accordance with 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 and specification contained therein, submitted on 1 December 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) within one month of the installation of the floodlights and columns hereby permitted, they shall be painted park green (’) and retained as such thereafter. **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; and
- (4) the floodlights hereby permitted shall not be operated later than 2200 hours. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Mr Locker for the erection of timber fence to the boundary of property fronting the highway. This was a retrospective application.

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

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

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

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

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

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

Barford Village Design Statement (September 2009)

The case officer was of the opinion that the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site was located. Furthermore, the proposal would not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation and the information contained within the addendum, the Committee were of the opinion that the application should be refused as it was harmful to the Conservation Area on the grounds that the fence did not conform to the permitted development height for fences of one metre. Members felt strongly that not only was the fence too high but it was also in the setting of a listed bridge and was located in the gateway of the village.

RESOLVED that

- (1) application W09/1474 be REFUSED because it was harmful to the Conservation Area as it did not conform to the permitted development rights for fencing, was in the setting of a listed bridge and was located in the gateway to the village; and
- (2) enforcement action be authorised to reduce the fence height to one metre within three months.

267. ENF 477/51/09 – 4-6 VICTORIA TERRACE, ROYAL LEAMINGTON SPA

The Committee considered a report requesting enforcement action be taken against Mr K Ahmed for the change of use from mixed use restaurant/bar (Classes A3 & A4) to a bar (Class A4), the installation of an advertisement sign to the front elevation and the installation of an internal lobby door.

PLANNING COMMITTEE MINUTES (Continued)

In December 2009 it was brought to the attention of the Enforcement Section that the property was being refurbished and the intended use was to be as a bar with no restaurant facility.

Contact was made with the owner who was advised that the established use of the property was a mixed use of restaurant/bar and that operating it solely as a bar would constitute a change of use which required planning permission.

The refurbishment continued and the property opened for business on Christmas Eve 2009 and was continuing to operate as a bar on the ground and first floors with no restaurant facility.

In addition to the change of use, an advertisement sign with the word 'ZANTRA' had been installed on the front elevation without listed building consent and an internal door had been installed to create a lobby between the ground floor bar and the external door.

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

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that appropriate enforcement action be authorised directed at the removal of the unauthorised signage, the cessation of the use of the property solely as a bar and if appropriate the removal of the internal lobby door within an appropriate timescale.

Following consideration of the officer's report and presentation the Committee were of the opinion that appropriate enforcement action should be authorised.

RESOLVED that enforcement action relating to application ENF 477/62/09 be AUTHORISED directed at the removal of the unauthorised signage, the cessation of the use of the property solely as a bar and if appropriate the removal of the internal lobby door within an appropriate timescale.

268. APPEAL PERFORMANCE QUARTER 3 2009-2010

The Committee considered a report from the Planning department which contained information on Appeal Decisions for Quarter 3 of 2009/2010.

The report contained information detailing that performance for the year up to the end of Quarter 3 showed 44% of Section 78 appeals were allowed. The table attached as an appendix to the report gave details of all the appeal decisions received for Quarter 3.

PLANNING COMMITTEE MINUTES (Continued)

Members were satisfied with the content of the report and encouraged by the hard work of the officers involved.

RESOLVED that the report be noted.

PLANNING COMMITTEE MINUTES (Continued)

269. CLG – STATISTICS QUARTER 2 2009-2010

The Committee considered a report from the Planning department which contained information on Planning Application Performance for Quarter 2 of 2009-2010.

The Department for Communities and Local Government regularly published performance statistics for development control which were reported to committee every quarter. The statistics for July to September 2009 were also available on the CLG Website.

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

RECOMMENDED that the report be noted.

(The meeting ended at 9.55 pm)