

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 1 August 2007 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, Kinson and Rhead.

299. **DECLARATIONS OF INTEREST**

Minute Number 303 – W07/0588 – 32 Kenilworth Road, Leamington Spa

Councillor Copping declared a personal and prejudicial interest because he was a member of the Royal Leamington Spa Town Council Planning Committee when the item was considered in April 2007 and left the room whilst the item was discussed.

Minute Number 313 – TPO 330 – 8 Worcester Road, Kenilworth

Councillor Mrs Bunker declared a personal interest because the sites were in her ward.

Minute Number 314 – TPO 327 – 9-11 Casita Grove, Kenilworth

Councillor Mrs Bunker declared a personal interest because the sites were in her ward.

Minute Number 315 – TPO 314 – The Paddocks & 51 and 63 Park Hill, Kenilworth

Councillor Mrs Bunker declared a personal interest because the applications sites were in her ward.

300. **MINUTES**

The minutes of the meetings held on 30 April, 29 May and 19 June 2007 having been printed and circulated were taken as read and signed by the Chairman as a correct record.

301. **SPINNEY FARM, BANBURY ROAD, WARWICK – W07/0060**

This item was withdrawn from the agenda to allow the Parish Council sufficient time to consider the application.

302. **SPINNEY FARM, BANBURY ROAD, WARWICK W07/0330**

This item was withdrawn from the agenda to allow the Parish Council sufficient time to consider the application.

303. 32 KENILWORTH ROAD, LEAMINGTON SPA

The Committee considered a retrospective 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.

This item was deferred at Planning Committee on 10 July 2007 to allow a site visit to take place on 28 July 2007.

This item was presented to Committee due to the number of objections received and was requested by Councillor Mrs Goode.

The Head of Planning and Engineering had recommended that the application be approved 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)

DP10 - Flooding (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

Councillor De-Lara-Bond Ward 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 applicants should not be allowed to build something they did not have permission for.

It was proposed, and duly seconded, that the application be refused against the officer's recommendation on the grounds that the extension compromised the design and did not preserve or enhance the street scene. Members believed the bin store affected the setting of the building in the conservation area and the increase in residential space would result in increased traffic and noise. The

additional car parking spaces resulted in a loss of amenity space and the access road would cause hazardous vehicle movement due to its' narrowness. One of the entrance doors to the properties had also been moved to open out onto the access road, which in turn was undesirable. The design of the rear/ side extension would affect the occupants of the flat whose window overlooked the extension and had a visually unbalancing effect on the rear wing.

RESOLVED that application W07/0588 be REFUSED for the following reasons:

Policy (DW) ENV3 of Warwick District Local Plan 1995 requires all development proposals to harmonise with their surroundings and to achieve a high standard of design, having regard to local styles, materials, the character of the surrounding area and of adjacent buildings, whilst Policy (DW) ENV6 states that Conservation Areas in the District will be protected from development which would have a detrimental effect upon their character or appearance. In addition, Policy (DW) ENV8 states that, within Conservation Areas, development proposals will be required to achieve a high standard of design appropriate to the historic and special architectural character of the area. These are reflected in Policy DP1 of the Warwick District Local Plan 1996-2011 (Revised Deposit Version) which requires all development proposals to make a positive contribution to the character and the quality of its environment through good layout and design, together with Policy DP2 which states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Meanwhile, Policy DAP11 states that development will not be permitted to alter or extend unlisted buildings which would adversely affect the historic integrity, character or setting of the Conservation Area, and Policy DAP10 requires that development proposals protect and enhance the historic quality, character and appearance of Conservation Areas. The application site comprises a detached Regency villa that is situated within the Leamington Spa Conservation Area.

In the opinion of the District Planning Authority, the development fails to preserve or enhance the character and appearance of the Conservation Area or achieve satisfactory standards of layout and design by reason of:

- (a) the loss of original garden space, additional disturbance to and increased hazards for occupants by reason of increased vehicular traffic and the siting of the entrance door to one of the houses adjacent to the narrow driveway leading to the rear car park;

The proposal relates to a detached property where the rhythm of the streetscene is predominantly defined by open spacious garden frontages.

In the opinion of the District Planning Authority, the proposed retention of the existing wall would be a wholly unsympathetic alteration to this property which results, in an incongruous feature within the streetscene by reason of its form of enclosure. It is considered that both in itself and in the precedent it creates for the submission of other similar applications (which will thereby be more difficult to resist) it would result in the progressive erosion of the existing attractive open landscaped character and appearance of this street.

The proposal would thereby be contrary to the aforementioned policies; and

- (2) enforcement action be AUTHORISED to secure the removal of the wall in its entirety with a compliance period of six months:

305. 42 CLARENDON AVENUE, LEAMINGTON SPA

The Committee considered an application from The Car Company for change of use from single dwelling to House in Multi-Occupation (HIMO) and alterations to existing rear lightwell.

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

(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).

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

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

The following people addressed the Committee:

Councillor B Gifford (Town Councillor)

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the officers' report, presentation and 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 W07/1069 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) 02, and specification contained therein, submitted on 21 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) the use hereby permitted shall not commence until:
 - (a) satisfactory details of a noise insulation scheme to minimise transmission of airborne noise have been submitted to and approved by the District Planning Authority; and
 - (b) the noise insulation scheme has been implemented in accordance with the approved details.**REASON** : In the interests of the amenities of occupiers of adjacent dwellings, in accordance with Policy ENV3 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 the french doors and railings 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;

PLANNING COMMITTEE MINUTES (Continued)

- (5) the use hereby permitted shall not commence until the bin store has been provided in accordance with the approved plans. **REASON** : To ensure satisfactory provision is made for the storage of refuse, In the interests of the character and appearance of the area and the amenities of occupiers of adjacent dwellings, in accordance with Policy ENV3 of the Warwick District Local Plan 1995;
- (6) 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
- (7) the french door frames shall be constructed in timber and shall be painted and not stained. **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.

306. 5 NURSERY LANE, LEAMINGTON SPA

The Committee considered an application from Mr and Mrs Vergari for the erection of a two storey side and rear extension and pitched roof canopy to front elevation.

The application was presented to Committee because an objection had been received from the Royal Leamington Spa Town Council on the grounds that the proposal was over large resulting in overdevelopment of the site. It was also unneighbourly.

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 along with the additional information in the addendum, the Committee were of the opinion that the application should be granted in line with the officer's recommendations.

RESOLVED that application W07/0654 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved amended drawing 1876/5,1876/6, and specification contained therein, submitted on 6th July 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.

307. 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 level with access to Theatre Street.

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

At the Planning meeting on 10 and 12 July 2007 members agreed to grant planning permission in accordance with the recommendation but, during the discussion, queried about the contents of the S106 Agreement referred to. The amended report was intended to clarify that situation, containing an additional section headed 'additional comments' relating to Affordable Housing.

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)

PLANNING COMMITTEE MINUTES (Continued)

(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 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.

308. SEDGLEY COTTAGE, CASE LANE, SHREWLEY, WARWICK

The Committee considered an application from Mr and Mrs Phelps for and extension and alterations to existing outbuilding and erection of a link extension to main residence. Demolition of existing outbuilding and erection of new repositioned garage/workshop.

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

The Committee had previously visited the site 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) ENV27 - Ecological Development (Warwick District Local Plan 1995)

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

(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)

Distance Separation (Supplementary Planning Guidance)

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

RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 Revised Deposit Version)

PLANNING COMMITTEE MINUTES (Continued)

RAP8 - Converting Rural Buildings (Warwick District 1996 - 2011 Revised Deposit Version)

RAP8a - Replacement of Rural Buildings (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).

DAP1 - Protecting the Green Belt (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 with an additional condition to ensure demolition of the existing garage.

RESOLVED that application W07/0868 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) SC/PA/01 and specification contained therein, submitted on 21 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 first floor window in the south (rear) elevation (serving the landing) and the ground and first floor windows to the east (side) elevation (serving the study, w.c. and en-suite) of the converted outbuilding 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;

- (4) the garage and workshop shall be used for the housing of private vehicles or other purposes incidental to the residential use of the dwelling house. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan;
- (5) before any works for conversion 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 conversion works shall be submitted to and approved in writing by the District Planning Authority before the 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; and
- (6) the existing garage be demolished, prior to the erection of the new/ repositioned workshop/ garage.

309. 43a TELFORD AVENUE, LILLINGTON, LEAMINGTON SPA

The Committee considered an application from Mr and Mrs P Finn for the erection of first floor and single storey side extension and replacement of flat roof to front elevation

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

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 W07/0936 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 (975/2b, 975/3b) and specification contained therein, submitted on 4th 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.

310. ZETLAND ARMS, 11 CHURCH STREET, WARWICK

The Committee considered an application from Mr I E Jones for the alterations to external rear steps, and erection of covered smoking area.

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

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

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

PLANNING COMMITTEE MINUTES (Continued)

On considering the presentation by the planning officer the Committee were unhappy with the level of details contained within the drawings.

RESOLVED that application W07/0982 be deferred to allow for more detailed drawings to be submitted.

311. **45 MORRIS DRIVE, WHITNASH**

The Committee considered an application from Mr K Coleman for the erection of a replacement garden wall, widening rear garden by 2.5m.

The application was presented to Committee because an objection had been received from Whitnash Town 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).

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 W07/1057 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 21 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 new boundary wall hereby permitted shall be of the same type, texture and colour as those of the existing wall. **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.

312. 23 MEADOW CLOSE, LILLINGTON, LEAMINGTON SPA

The Committee considered an application from Mr K Stockman for the erection of two storey side and rear extension and single storey front extension with pitched roof.

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

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 W07/1080 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 and specification contained therein, submitted on 25th 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.

PLANNING COMMITTEE MINUTES (Continued)

313. 8 WORCESTER ROAD, KENILWORTH,

The Committee considered a report from Planning and Engineering that requested the confirmation of the provisional Tree Preservation Order TPO 330 for an oak tree.

The Order had been submitted for consideration by the Committee because an objection from a local resident had been received.

The Order was created after a request from a resident that the tree be protected. After further investigation it was found to be expedient to protect this tree in line with the Town and Country Planning Act 1990 to preserve the amenity of the area.

This Tree Preservation Order was resubmitted after it was deferred for a site visit held on 28 July 2007, to give the Planning Committee the opportunity to see the tree in question.

The Planning Officer recommended that the order was confirmed because the Oak had a positive effect on the surrounding area. Its height and size allow it to be seen from surrounding homes and public highways and creates a natural backdrop to the straight edges of the houses. It is eye catching in Worcester Road and should be protected.

RESOLVED that Tree Preservation Order TPO 330 be confirmed.

314. 9 – 11 CASITA GROVE, KENILWORTH

The Committee considered a report from Planning and Engineering that requested the confirmation of the provisional Tree Preservation Order TPO 327 for 6 Individual Trees.

The Order was submitted to Committee because an objection from a local resident had been received.

The Order was created as part of the Tree Preservation Order review that was taking place in Kenilworth. This Order was intended to replace an Area Tree Preservation Order in line with government guidance and best practice

The Tree Preservation Order was resubmitted after it was deferred for a site visit on 28 July 2007, to give the Planning Committee the opportunity to see the trees in question.

The Planning Officer recommended that the Order was confirmed because the Eucalyptus had a positive effect on the surrounding area. Its height and size allow it to be seen from surrounding homes and public highways and creates a natural backdrop to the straight edges of the houses.

RESOLVED that Tree Preservation Order TPO 327 be confirmed.

315. THE PADDOCKS & 51 AND 63 PARK HILL, KENILWORTH

The Committee considered a report from Planning and Engineering that requested the confirmation of the provisional Tree Preservation Order TPO 314 for four individual trees.

The Order had been submitted to Committee for confirmation because objections had been received from local residents.

The Order was created as part of the Tree Preservation Order review that was taking place in Kenilworth. The Order was intended to replace an Area Tree Preservation Order in line with government guidance and best practice

The Tree Preservation Order was resubmitted after it was deferred for a site visit on 28 July 2007 to give the Planning Committee the opportunity to see the trees in question.

The Planning Officer recommended that the order was confirmed because the Cedar has a positive effect on the area. Its prominent position on the top of Park Hill means that it should be retained on the basis that it is expedient due to the danger that it may felled or lopped and the fact that it is highly conspicuous to the surrounding area. Its removal or reduction in height would have a negative impact on the surrounding area.

RESOLVED that Tree Preservation Order TPO 314 be confirmed.

316. GROSVENOR COURT, KENILWORTH ROAD, LEAMINGTON SPA

The Committee considered a report from Planning and Engineering that requested the confirmation of the provisional Tree Preservation Order TPO 331 for 1 Ash tree.

The Order had been submitted to Committee for consideration because objections to the order had been received.

The Planning Officer recommended that the order was confirmed to ensure that the Ash tree continues to make a positive contribution to the visual amenity of this part of the Royal Leamington Spa Conservation Area and that any future works to the tree are able to be fully controlled.

RESOLVED that Tree Preservation Order TPO 331 be confirmed.

317. 9 LILLINGTON ROAD, LEAMINGTON SPA

The Committee considered a report from Planning and Engineering that requested the confirmation of the provisional Tree Preservation Order TPO 329 for 1 Yew Tree.

PLANNING COMMITTEE MINUTES (Continued)

The Order had been submitted to the Committee for determination because an objection had been received.

The Planning Officer recommended that the Order was confirmed to ensure that the Yew tree continues to make a positive contribution to the visual amenity of this part of the Royal Leamington Spa Conservation Area and that any future works to the tree are able to be fully controlled.

RESOLVED that Tree Preservation Order TPO 329 be confirmed.

318. **PROPOSED CHANGES TO PERMITTED DEVELOPMENT RIGHTS FOR HOUSEHOLDERS**

The Committee considered a report from Planning and Engineering advising them on the proposed changes to permitted development rights for householders and to set out a response to be made to the Department of Communities and Local Government (DCLG) by the deadline date of 17 August 2007.

RESOLVED that the comments set out at Appendix 1, to the report, as amended, be submitted to the Department of Communities and Local Government as the Councils response.

(The meeting ended at 9.50pm)