

PLANNING COMMITTEE

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

PRESENT: Councillor Tamlin (Chair); Councillors Ashford, Mrs Blacklock, Mrs Bunker, Ms De-Lara-Bond, Mrs Compton, Kinson, MacKay and Smith

(Councillor Smith substituted for Councillor Mrs Knight.)

745. DECLARATIONS OF INTEREST

Minute Number 746 - W06/1104 - Warwickshire Police Headquarters, Woodcote Lane, Leek Wootton

Councillor Mrs Compton declared a personal interest because she was the Ward Councillor for the application site.

Minute Number 747 - W06/1347 – Cemetery, Oaks Road, Kenilworth

Councillors Ashford, Mrs Blacklock, Mrs Bunker, Mrs Compton, Ms De-Lara-Bond, Kinson, MacKay, Smith and Tamlin declared personal interests because the land of the application site was owned by Warwick District Council.

Minute Number 748 - W06/1673 – 22 Granville Street, Leamington Spa

Councillor Smith declared a personal and prejudicial interest because he had considered the application as a member of Conservation Area Advisory Forum and left the room whilst the item was considered.

Minute Number 751 - W06/1865 – 45 Avenue Road, Leamington Spa

The Head of Legal Services declared a personal and prejudicial interest because the applicant was known to him and left the room while the item was considered.

Minute Number 752 - W06/1866 – 45 Avenue Road, Leamington Spa

The Head of Legal Services declared a personal and prejudicial interest because the applicant was known to him and left the room while the item was considered.

Minute Number 753 - W06/1785 – North Leamington School, Park Road, Leamington Spa

Councillor Mrs Compton declared a personal interest because the land of the application site was owned by Warwickshire County Council.

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 754 - W06/1825 – 36 Shakespeare Avenue, Warwick

Councillors Ashford, Mrs Blacklock, Mrs Bunker, Mrs Compton, Ms De-Lara-Bond, Kinson, MacKay and Tamlin declared personal interests because the land of the application site was owned by Warwick District Council.

Councillor Smith declared a personal and prejudicial interest because he had considered the application as a member of Conservation Area Advisory Forum and left the room whilst the item was considered.

Minute Number 755 - W06/1829 – 65 Willes Road, Leamington Spa

Councillor Smith declared a personal and prejudicial interest because he had considered the application as a member of Conservation Area Advisory Forum and left the room whilst the item was considered.

Minute Number 756 - W06/1901 – 229 Rugby Road, Leamington Spa

Councillor Mrs Compton declared a personal interest because the applicant was a Warwickshire Rural Community Council employee and was known to her.

Minute Number 757 - W06/1932 – Highway verge outside De Montfort Hotel, Smalley Place, Kenilworth

Councillor Smith declared a personal and prejudicial interest because he had considered the application as a member of Conservation Area Advisory Forum and left the room whilst the item was considered.

Councillor Tamlin declared a personal and prejudicial interest because he had pre-determined the application and left the room while the item was considered.

Minute Number 759 – ENF 015/02/06 – ‘Paw Paw’ 40 West Street, Warwick

Councillor Smith declared a personal interest because the application site was in the Ward he represented.

Councillor Tamlin declared a personal interest because he was a customer of the takeaway.

Minute Number 760 – ENF 428/41/06 – The Tilted Wig Public House, 11 Market Place, Warwick

Councillor Smith declared a personal interest because the application site was in the Ward he represented.

Councillor Tamlin declared a personal interest because he was a customer of the public house.

Minute Number 762 – ENF 300/30/06 – Spinney Farm, Banbury Road, Bishops Tachbrook

Councillor Tamlin declared a personal interest because he had previously visited the application site.

Minute Number 766 - W06/1512 – Warwick Printing, Theatre Street, Warwick

Councillor Smith declared a personal and prejudicial interest because he had considered the application as a member of Warwick Town Council and the Conservation Area Advisory Forum. Councillor Smith left the room whilst the item was considered.

Minute Number 767 - W06/1665 – Portobello Works, Emscote Road, Warwick

Councillor Smith declared a personal and prejudicial interest because he had considered the application as a member of Warwick Town Council and the Conservation Area Advisory Forum. Councillor Smith left the room whilst the item was considered.

Councillor MacKay declared a personal interest because he was Chairman of the Warwick District Council Housing Strategy Steering Group.

Minute Number 774 - W06/1834 – 10 Damson Road, Budbrooke

Councillors Ashford, Mrs Blacklock, Mrs Bunker, Mrs Compton and Smith declared personal interests because the applicant was a former Warwick District Council employee and was known to them.

746. WARWICKSHIRE POLICE HEADQUARTERS, WOODCOTE LANE, LEEK WOOTTON, WARWICK

The Committee considered an application from Warwickshire Police Authority for the erection of new police headquarter office.

The application was deferred at Planning Committee on 13 December 2006, for further detailed information from Warwickshire County Council Highways, on the traffic impact and internal traffic arrangements. The report considered by the Committee was similar to that previously made, with the additional information from Warwickshire County Council included in the consultations section, and other minor alterations. The Warwickshire County Council, Parish Council and objectors had been given copies of the additional information from the Highway Authority and informed that the application would be considered at this meeting.

The Head of Planning and Engineering had recommended, in his report to the committee, that the application should be granted as he felt that it complied with the relevant policies, listed below:

GD.3 - Overall Development Strategy (Warwickshire Structure Plan 1996-2011).
GD.4 - Strategic Constraints (Warwickshire Structure Plan 1996-2011).

PLANNING COMMITTEE MINUTES (Continued)

GD.6 - Green Belt (Warwickshire Structure Plan 1996-2011).
GD.6 - Green Belt (Warwickshire Structure Plan 1996-2011).
(DW) EMP4 - Employment Development in the Rural Areas of the District (Warwick District Local Plan 1995)
(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995).
(DW) ENV27 - Ecological Development (Warwick District Local Plan 1995)
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)
(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)
(DW) ENV15 - Encouragement of full use of Listed Buildings (Warwick District Local Plan 1995).
RAP7 - Directing New Employment (Warwick District 1996 - 2011 Revised Deposit Version).
RAP8 - Converting Rural Buildings (Warwick District 1996 - 2011 Revised Deposit Version).
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 Revised Deposit Version).
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)
DAP3 - Protecting Special Landscape Areas (Warwick District 1996 - 2011 Revised Deposit Version)
DP6 - Access (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
SSP2 - Major Developed Sites (Warwick District 1996 - 2011 Revised Deposit Version)
(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)
(DW) ENV18 - Historic Parks and Gardens (Warwick District Local Plan 1995)

The Committee also considered the information in the addendum which was circulated at the meeting.

The following addressed the Committee:
Councillor P Eldridge – Parish Council
Mr J Hotchin – Objector
Councillor N Vincett – Alternate for Ward Councillor

Leek Wootton Parish Council had made considerable additional comments focussed on the highway impact and the carrying out of the transport assessment. The County Council, as Highway Authority, had requested additional time, in order make a full response to the submissions. Consequently, the Planning Officer changed the recommendation for the application to be deferred.

After considering the officers report and presentation along with the representations from the public addressing the Committee, the Committee were of the opinion that the application should be deferred in line with the planning officers request.

RESOLVED that application W06/1104 be DEFERRED, to allow Warwickshire County Council as Highway Authority, additional time to respond to the submissions and additional comments from Leek Wootton Parish Council.

747. CEMETERY, OAKS ROAD, KENILWORTH

The Committee considered an application from Orbit Housing Association for the construction of five affordable houses and cemetery maintenance buildings following the demolition of the existing maintenance buildings.

The site had been visited by the Committee because the Chair had decided it would be beneficial to visit the site before the application was considered by them.

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

The Head of Planning and Engineering has recommended that the application should be granted because he felt that it complied with the relevant policies, listed below:

(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).
SC8a - Managing Housing Supply (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
Managing Housing Supply (Supplementary Planning Document).

The following addressed the Committee:
Councillor N Vincett – Town Council
Mr A Quinlan – For the Applicant

PLANNING COMMITTEE MINUTES (Continued)

After considering the officer's report and presentation along with the representations from the public addressing the Committee, the Committee were of the opinion that the application should be granted.

RESOLVED that application W06/1347 be GRANTED subject to the conditions listed below:

- (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) (5370.01; 5370.101; 5370.02; 5370.100; 5370.102A; 5370.103), and specification contained therein, submitted on 27 October 2006 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 draining of the pond present on the site shall be carried out under the supervision of an appropriately licensed ecologist. The District Planning Authority shall be notified in writing of the time and date of the draining of the pond and of the ecologist commissioned to supervise the works no later than 14 days before these works are to be carried out. All species captured during the draining to be relocated to a suitable receptor site recommended by the ecologist. **REASON**: To ensure no protected species are harmed by the development, in accordance with policy DAP4;

- (4) No work of any kind shall be begun on the site until protective fence(s) around the trees and hedges identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **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) 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;
- (6) The access(es) to the residential element of the site shall not be constructed in such a manner as to reduce the effective capacity of any drain within the limits of the public highway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (7) The access(es) to the residential element of the site for cars shall not be used unless the public highway footway/verge crossings have been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON**: To ensure compliance with the Council's standards; and

- (8) The residential element of the development shall not be occupied until the vehicular access(es) for cars have been provided to the site not less than 3.0 metres in width for a single driveway or 5.0 metres in width for a shared driveway for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway.
REASON: In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

748. 22 GRANVILLE STREET, LEAMINGTON SPA

The Committee considered an application from Mr Stone for a loft conversion with dormer window to the rear.

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, subject to condition because he felt that it complied with the relevant policies listed below:

(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).

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 Committee also considered the information in the addendum which was circulated at the meeting.

The following addressed the Committee:

Mr P F Edwards – CAAF, Objecting

Mrs J Stone – Applicant

After considering the officers' report and presentation along with the representations from the public speakers addressing the Committee, the Committee were of the opinion that the application should be granted.

RESOLVED that application W06/1673 be GRANTED, subject to conditions listed below:

- (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 (992-01), and specification contained therein, submitted on 22nd November, 2006 unless first agreed otherwise in writing by the District Planning Authority.
REASON: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) No development shall be carried out on the site which is the subject of this permission until large scale details of the dormer window 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.;
- (4) 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 an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan;

- (5) Notwithstanding the details in respect of the glazing bar across the width of the dormer window shown on the submitted plans, no development shall be carried out on the site which is the subject of this permission, until details of a glazing bar across the centre of the dormer 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;
- (6) Notwithstanding the details in respect of the front rooflights shown on the submitted plans, no development shall be carried out on the site which is the subject of this permission, until details of the front roofslope with one rooflight 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; and
- (7) The proposed rooflights should be Conservation style rooflights. **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.

749. **17 MOORHILL ROAD, WHITNASH, LEAMINGTON SPA**

The Committee considered an application from Mr B S Gill for the erection of a single storey rear extension.

The application was presented to Committee due to an objection from Whitnash Town Council. It was deferred from the previous meeting to allow a site visit to be undertaken by the Planning Committee.

The Head of Planning and Engineering had recommended that the application be granted, subject to condition, as he felt that it complied with the relevant policies listed below:

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

The following addressed the Committee:
Mrs J Murphy - Objector

After considering the officers report and presentation along with the representations from the public addressing the Committee, the Committee were of the opinion that the application should be refused.

RESOLVED that application W06/1680 be REFUSED, because the proposal was unneighbourly, in particular by reason of impact on both neighbours windows and overlooking; overdevelopment by reason of bulk, mass and length; and created an unacceptable precedent.

750. 3 HILL STREET, LEAMINGTON SPA

The Committee considered a retrospective application from Mr R Scott for the retention of a rear dormer window and a roof terrace.

The application was presented to Committee following a request from Councillor B Crowther. The application was also presented to Committee in order to request that enforcement action be taken.

The Head of Planning and Engineering had recommended that the application be refused and enforcement action be authorised and that the following policies were relevant:

(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).
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 addressed the Committee:
Councillor B Crowther – Ward Councillor

PLANNING COMMITTEE MINUTES (Continued)

After considering the officers report and presentation, the Committee were of the opinion that the application should be deferred.

RESOLVED that application W06/1770 be DEFERRED to allow for a site visit to take place as the Committee felt it would be of significant benefit to them when determining the application.

751. **45 AVENUE ROAD, LEAMINGTON SPA**

The Committee considered an application from Mr S Singh for the change of use of a further 3 residential rooms (Class use C3) to a guest house (Class use C1) Retrospective Application), creating 9 rooms in total.

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

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

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

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

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

(DW) TO4 - Change of Use to Hotels or Guest Houses (Warwick District Local Plan 1995).

UAP8 - Directing New Visitor Accommodation (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).

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 Committee also considered the information in the addendum which was circulated at the meeting.

The following addressed the Committee:

Mr R Bhangal – Objector

Councillor B Gifford – Ward Councillor

After considering the officers' report and presentation along with the representations from the public addressing the Committee, the Committee were of the opinion that the application should be deferred.

RESOLVED that application W06/1865 be DEFERRED to allow for a site visit to take place because the Committee felt it would be of significant benefit to them when determining the application and to verify the existing number of letting rooms and the car parking provision.

752. 45 AVENUE ROAD, LEAMINGTON SPA

The Committee considered an application from Mr S Singh for the replacement of a flat roof with a pitched roof and a rear extension to provide 2 guest bedrooms.

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

The Head of Planning and Engineering recommended that the application be granted as he felt that it complied with the relevant policies listed below:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) TO5 - Extension of Existing Hotels and Guest Houses (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)
UAP8 - Directing New Visitor Accommodation (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).
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 Committee also considered the information in the addendum which was circulated at the meeting.

The following addressed the Committee:

Mr R Bhangal – Objector
Councillor B Gifford – Ward Councillor

After considering the officers' report and presentation along with the representations from the public speakers addressing the Committee, the Committee were of the opinion that the application should be deferred.

RESOLVED that application W06/1865 be DEFERRED to allow for a site visit to take place because the Committee felt it would be of significant benefit to them when determining the application and to verify the existing number of letting rooms and the car parking provision.

753. NORTH LEAMINGTON SCHOOL, PARK ROAD, LEAMINGTON SPA

The Committee considered an application from Warwickshire County Council's Strategic Director of Resources for the Construction of a new 1500 pupil community school campus.

This consultation was reported to Committee because it was a major development that was likely to have a significant impact on the surrounding area.

The application had been deferred at Planning Committee on the 14 December 2006, to enable a site visit to take place on 6 January 2007, for further information to be obtained regarding the height of the new buildings compared to existing, and for the County Council to respond to the Environmental Health Officer's concerns.

The report considered by the Committee was that which was presented previously, with the addition of information on the height of the new buildings compared to existing, together with consultation responses that were included in the addendum report to the last Committee.

The Head of Planning and Engineering recommended that no objection be raised to the application, provided the concerns outlined were addressed, because he felt it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) RL7 - Provision of Additional Indoor Sports and Recreation Facilities (Warwick District Local Plan 1995)
(DW) RL8 - Disabled Participation in Sport (Warwick District Local Plan 1995)
(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
(DW) RL12 - Recreation Development within the Countryside (Warwick District Local Plan 1995)
RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District 1996 - 2011 Revised Deposit Version)
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 Revised Deposit Version)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
DP6 - Access (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

PLANNING COMMITTEE MINUTES (Continued)

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

SSP2 - Major Developed Sites (Warwick District 1996 - 2011 Revised Deposit Version)

The Committee also considered the information in the addendum which was circulated at the meeting.

The following addressed the Committee:
Mr D Barnard – Objector

After considering the officers' report and presentation along with the representations from the public speakers, the Committee were of the opinion that no objection be raised.

RESOLVED That NO OBJECTION be raised for application W06/1785 to the principle of this development provided the following concerns were addressed:

- the County Council must demonstrate that there are very special circumstances that justify permitting this inappropriate development within the Green Belt;
- the application should be referred to the Government Office for the West Midlands as a departure;
- the increase in footprint and massing of the 3 faculty building and the sports hall and their siting, potentially inappropriate in the Green Belt;
- aspects of the proposals may cause nuisance to neighbours, in particular the use of the all-weather pitch and Multi-Use Games Area (MUGA), the floodlighting, noise break out from the music rooms/theatre and amphitheatre, the footpath to the Park Road access and the footpath link to Lillington Road (and any associated lighting), the cycle stores, the bin store, any plant and machinery, general pupil noise in the outdoor association areas, and the use of the service yard;
- if the MUGA and floodlights are considered acceptable, the hours of use should be restricted to limit the impact on neighbours;
- the impact on the residential development that has been approved on land r/o 97-105 Lillington Road should be fully assessed;
- the dropping off areas do not appear adequate for cars or buses;
- consideration be given to moving both all weather sports pitches to the maximum possible distance from residents;
- car parking on the site for pupils and staff is considered inadequate; and

- evidence that congestion on adjoining main and subsidiary roads of limited width will be excessive.

754. 36 SHAKESPEARE AVENUE, WARWICK

The Committee considered an application from Mr & Mrs Dhesi for the change of use from A1 (retail) to A5 (hot food takeaway).

The application was presented to Committee because the number of objections and also an objection from Warwick Town Council which had been received.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) S7 - Local Shopping Centres (Warwick District Local Plan 1995)
UAP4 - Protecting Local Shopping Centres (Warwick District 1996 - 2011 Revised Deposit Version)

The Committee also considered the information in the addendum which was circulated at the meeting.

The following addressed the Committee:

Mr M Zonouzi – Objector

Mr Kenny – Objector

After considering the officers' report and presentation along with the representations from the public speakers addressing the Committee, the Committee were of the opinion that the application should be deferred.

RESOLVED that application W06/1825 be DEFERRED, for further consultation and information from the Police, Warwick District Council Housing Department and the Community Safety/Sustainability Manager in relation to the issues raised with regard to youths assembling in the area.

755. 65 WILLES ROAD, LEAMINGTON SPA

The Committee considered an application from Mr J Satsavia for the Change of use from dwelling to 10-bed-house-in-multiple-occupation.

The application was presented to Committee due to the number of objections and an objection from Royal Leamington Spa Town Council.

The Head of Planning and Engineering recommended that the application be granted, subject to conditions, as he felt it complied with the following policies:

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(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)
(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)
(DW) ENV15 - Encouragement of full use of Listed Buildings (Warwick District Local Plan 1995)
(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)
(DW) H13 - Loss of Existing Residential Accommodation and Development within Existing Residential 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).
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)
DAP7 - Changes of Use of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)
DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

The Committee also considered the information in the addendum which was circulated at the meeting.

The following addressed the Committee:
Mr P Edwards – CAAF Objector
Mr Satsavia - Applicant

After considering the officers report and presentation along with the representations from the public addressing the Committee, the Committee were of the opinion that the application should be refused.

(Councillor Ms De-Lara-Bond left the meeting during this item and before any decision was taken and was not present for the remainder of the items considered during that evening).

RESOLVED that application W06/1829 be REFUSED;
In relation to the use of listed buildings Planning Policy Guidance Note 15: Planning and the Historic Environment states that the best use will very often be the use for which the building was originally designed, and the continuation or reinstatement of that use should certainly

be the first option when the future of a building is considered. However, it recognises that not all original uses may be viable or even necessarily appropriate as the nature of uses can change over time, so that in some cases the original use may now be less compatible with the building than an alternative. It therefore advises that policies for development and listed building controls should recognise the need for flexibility where new uses have to be considered to secure a building's survival. Policy (DW) ENV15 of the Warwick District Local Plan states that if the original use for which a listed building was designed cannot be continued or reinstated, favourable consideration will be given to proposals for sympathetic new uses. This is reflected in Policy DAP7 of the Warwick District Local Plan 1996-2011 (Revised Deposit Draft) which specifies, inter alia, that proposals for the changes of use of listed buildings will only be permitted where it has been demonstrated that the original use is no longer appropriate or viable.

The application premises comprise a two-storey detached Grade II Listed Building that stands on the eastern side of Willes Road adjacent to the junction with Innage Close within a predominantly residential part of the Conservation Area. The building was originally designed and has consistently been occupied as a single dwellinghouse within the meaning of Class C3 of the Town and Country (Use Classes) Order 1987 (as amended). Extant consent for works of restoration has also been granted, which have been commenced and partially implemented (WDC Reference: W05/1004).

Insufficient evidence has been submitted to demonstrate that the continued use of the property as a dwelling house is no longer appropriate or viable. In the opinion of the District Planning Authority the use of the property as a house in multi-occupation is inappropriate and harmful to the residential character of this listed building and fails to preserve or enhance the established residential character of this part of the Conservation Area by reason of the intensification in use and concentrated occupation of the premises as student accommodation.

The proposal is thereby also contrary to Policy (DW) ENV15 of the Warwick District Local Plan 1995 and Policy DAP7 of the Warwick District Local Plan 1996-2011 (Revised Deposit Draft)."

756. **229 RUGBY ROAD, LEAMINGTON SPA**

The Committee considered a retrospective application from Mr & Mrs Uslu for the erection of a fence on top of an existing wall around the front garden.

This application was presented to Committee to request authorisation for enforcement action to be taken to ensure the removal of the fence.

The Head of Planning and Engineering considered the following policies were relevant:

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

The Committee also considered the information in the addendum which was circulated at the meeting.

The following addressed the Committee:
Mrs Uslu - Applicant

After considering the officers' report and presentation along with the representations from the public addressing the Committee, the Committee were of the opinion that the application should be refused and that enforcement action be authorised.

RESOLVED that;

- (1) application W06/1901 be REFUSED, for the reasons listed below;
District-Wide Policy ENV3 of the Warwick District Local Plan 1995 requires all development proposals to achieve a high standard of design and harmonise with their surroundings. This is reflected in Policies DP1 and DP2 of the emerging Warwick District Local Plan 1996-2011 (Revised Deposit Version) which states that development will only be permitted which positively contributes to the character and quality of the environment and will not be permitted where it has an adverse impact;

In the opinion of the District Planning Authority, the retention of a 1.2 metre high fence and trellis above the existing boundary wall located directly at the back of the footpath along the front boundary would be a wholly unsympathetic alteration to this property resulting in an alien and

incongruous addition to the street scene by reason of its height and design. It is considered that both in itself and the precedent it would create 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 character and appearance of this street;

The application thereby is contrary to the aforementioned local plan policies; and

- (2) enforcement action be authorised for the removal of the fence within 2 calendar months.

757. HIGHWAY VERGE OUTSIDE DE MONTFORT HOTEL, SMALLEY PLACE, KENILWORTH

Councillor Ashford Chaired this item because Councillor Tamlin had declared a personal and prejudicial interest and left the room while the item was considered.

The Committee considered an application from Hutchinson 3G (UK) Limited for the installation of a 12m high monopole mast, three antennas and an equipment cabinet for Hutchison 3G (UK) Limited.

This notification application was reported to Committee because the controversial nature of the type of proposal within the town. A decision had to be issued by 31 January 2007, otherwise the proposal would be deemed approved.

The site had been visited by the Committee because the Chair had decided it would be beneficial to visit the site before the application was considered by them.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
SC8 - Telecommunications (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

The Committee also considered the information in the addendum which was circulated at the meeting.

The following addressed the Committee:
Councillor G Illingworth – Town Council
Mrs J Illingworth – CAAF Objector
Mr Elckington – Objector
Councillor M Coker – Ward Councillor

After considering the officers report and presentation along with the representations from the public speakers addressing the Committee, the Committee were of the opinion that the application should be refused.

RESOLVED that the details in application W06/1932 TC submitted under the prior approval procedure be REFUSED; because the totality of the equipment (including cabinets) considered inappropriate street furniture with an adverse impact on the street scene, disproportionate to its value, and incompatible with the progressive environmental improvement being sought in this part of Kenilworth.

758. ADJOURNMENT OF MEETING

The Chair adjourned the meeting of the Planning Committee held on Wednesday 10 January 2007 to Thursday 11 January 2007 at 6.00pm.

(The meeting ended at 10.50pm)

RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday 11 January 2007 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor Tamlin (Chair); Councillors Ashford, Mrs Blacklock, Mrs Bunker, Ms De-Lara-Bond, Mrs Compton, Kinson, MacKay and Smith.

(Councillor Smith substituted for Councillor Mrs Knight).

759. 'PAW PAW' 40 WEST STREET, WARWICK

The Committee considered a report from the Head of Planning and Engineering requesting that enforcement action be authorised after it was brought to the attention of the enforcement section that UPVC windows had been installed to the first and second floor of the front elevation.

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

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

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

(DW) ENV9 - Design guidance for new development within conservation areas (Warwick District Local Plan 1995)

DP1 – Layout and Design [Warwick District Local Plan 1996 - 2011 Revised deposit Version]

Supplementary Guidance – “Windows in Listed Buildings & Conservation Areas”.

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

RESOLVED that enforcement action ENF 015/02/06 be authorised requiring the removal of the UPVC windows and replaced with timber windows to match the originals, with a period of compliance of three months.

760. THE TILTED WIG PUBLIC HOUSE, 11 MARKET PLACE, WARWICK

The Committee considered a report from the Head of Planning and Engineering requesting that enforcement action be authorised after it was brought to the attention of the enforcement section that murals had been painted at the first floor level on the front elevation of the Tilted Wig Public House.

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

(DW) ENV3 – Development Principles [Warwick District Local Plan 1995]
DP1 – Layout and Design [Warwick District Local Plan 1996-2011 Revised deposit Version]
(DW) ENV6 – Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV8 – New Development within Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV9 – Design guidance for new development within conservation areas (Warwick District Local Plan 1995)
DAP6 – Protection of Listed Buildings
(DW) ENV11 – Retention of Listed Buildings
(DW) ENV20 – Advertisement Control
DAP10 – Protection of Conservation Areas (Warwick District Local Plan 1996-2011 Revised Deposit Version)
Supplementary guidance: “Design Advice on Shopfronts and Advertisements”

After considering the officers' report and presentation, the Committee were of the opinion that no enforcement action should be taken, but commented that the applicant may wish to apply for permission.

RESOLVED that no enforcement action be taken with regard to case ENF 428/41/06.

761. 20 HEATH TERRACE, LEAMINGTON SPA

The Committee considered a report from the Head of Planning and Engineering as an enforcement item where it was considered that no further action should be taken.

In order to confirm whether or not planning permission was required for the insertion of the rear dormer window at the property, a Permitted Development

PLANNING COMMITTEE MINUTES (Continued)

Enquiry was submitted, in writing, to the District Planning Authority by Mr Smail's agent on 26 August 2005. A reply was issued, in writing, on 2 September 2005. The *informal* advice given was that planning permission was not required for the dormer window. Unfortunately, the fact that the site was situated in a Conservation Area had been overlooked and therefore the wrong advice was given. It did in fact require planning permission.

In June 2006 it was brought to the attention of the enforcement section that a dormer window was being inserted in the rear roof area of 20 Heath Terrace, Leamington Spa.

The owner, Mr Smail, was contacted and informed that planning permission was required because the property was situated within the Royal Leamington Spa Conservation Area.

The Head of Planning and Engineering was of the opinion that no action should be taken because whilst the dormer window within the rear roof slope was larger than would normally be permitted, it was traditionally detailed and its prominence was mitigated by the large projecting two storey wing on the adjacent property.

Furthermore, given the specific written advice given to the property owner that the dormer was "permitted development", the Head of Planning and Engineering recommended that in this particular case enforcement action was not justified.

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

(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]

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

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

(DW) ENV9 – Design guidance for new development within conservation areas (Warwick District Local Plan 1995)

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

Supplementary guidance: "Roofs on Listed Buildings and in Conservation Areas"

After considering the officers report and presentation, the Committee were of the opinion that no enforcement action should be taken.

RESOLVED that no enforcement action be taken with regard to case ENF 228/24/06.

762. SPINNEY FARM, BANBURY ROAD, BISHOPS TACHBROOK

The Committee considered a report from the Head of Planning and Engineering which requested that enforcement action be authorised in respect of the following breaches of planning control:

1. Alleged unauthorised use of land as a mixed use as part agriculture and part residential with the associated stationing of a caravan; and
2. Alleged unauthorised erection of a two floor building described as a pig farrowing house and two blocks of buildings with associated feed yards used for pig fattening.

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

Regional Planning Guidance for West Midlands, 2004.
PA15: Agriculture and farm diversification
QE8: Forestry and Woodlands
Warwickshire Structure Plan, 1996-2011. Adopted 2001.
RA3: Housing and Industrial Development & Hierarchy of Settlements
ER1: Natural and Cultural Environmental Assets
ER4: Protection and Enhancement of the Landscape
Warwick District Local Plan, 1989 – 2001, Adopted 1995
(DW) ENV3: General Principles
(DW) ENV12: Setting of Listed Buildings
(DW) ENV27: Nature Conservation/ tree protection
(DW) H9: Open Countryside settlement policy
(DW) H10: Agricultural Workers' Dwellings
(DW) C1: General Countryside Policy
Warwick District Local Plan: 1996-2011, Revised Deposit Version, 2005
DP1: Layout and Design.
DP3: Natural and Historic Environment and Landscape
RAP1: Development Within Rural Areas
RAP2: Directing New Housing
RAP6: Housing for Rural Workers
DAP6: Protection of Listed Buildings

The Planning Officer then reported that further information had been submitted since the agenda was produced, details of which were found in the addendum to the report, distributed at the meeting. The Officer's advice was that the item be deferred to allow for the additional information to be investigated and for the applicant's consultant and Warwick District Council's consultant to liaise further.

The Committee also considered the information in the addendum which was circulated at the meeting.

After considering the officers' report, presentation and additional comments, the Committee were of the opinion that the item be deferred.

RESOLVED that item ENF 300/30/06 be deferred to allow further investigation of new information and to allow additional communications to take place.

763. LAND ADJACENT TO 'THE DOVECOTE' 5 THE STABLES, VICARAGE LANE, SHERBOURNE

The Committee considered a report from the Head of Planning and Engineering requesting that enforcement action be taken after it was brought to the attention of the enforcement section that a large decking area had been erected over a section of the Sherbourne Brook which passed through land adjacent to 5 Vicarage Lane, Sherbourne.

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

(DW) C1 – Conservation of the landscape [Warwick District Local Plan 1995]
(DW) C8 – Special Landscape Areas and Countryside Management [Warwick District Local Plan 1995]
Supplementary Planning Guidance – 'Warwickshire Landscape Guidelines'
RAP1 – Development within rural areas [Warwick District Local Plan 1996-2011 Revised Deposit Version]

After considering the officers' report and presentation, the Committee were of the opinion that enforcement action be authorised requiring the removal of the decking structure with a period of compliance of two months.

RESOLVED that enforcement action ENF 330/28/05 be authorised requiring the removal of the decking structure with a period of compliance of two months.

764. 7 CLARENDON SQUARE, LEAMINGTON SPA

The Committee considered a report from the Head of Planning and Engineering requesting that enforcement action be authorised in relation to the removal of the ground floor wall.

In December 2005 it was brought to the attention of the enforcement section that unauthorised works had been carried out to this Grade II Listed Building without consent. A section of internal ground floor wall had been removed. In addition a further section of wall had been removed at second floor level and UPVC windows installed in the existing rear dormer.

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

(DW) ENV3 – Development Principles [Warwick District Local Plan 1995]
DAP6 – Protection of Listed Buildings
DAP9 – Restoration of Listed Buildings (Warwick District Local Plan 1996-2011 Revised Deposit Version)

After considering the officers report and presentation the Committee were of the opinion that enforcement action be authorised requiring the reinstatement of the ground floor wall with a period of compliance of three months.

RESOLVED that enforcement action ENF 569/52/05 be authorised requiring the reinstatement of the ground floor wall. The period for compliance to be three months.

765. 15 HIDCOTE CLOSE, SYDENHAM, LEAMINGTON SPA

The Committee considered an application from Mr Pathania for the erection of a single storey extension, rear canopy and garden shed.

This application was presented to Committee because of the number of objections which had been received. Furthermore, the item was deferred at the last meeting to allow a site visit to be carried out on 6 January 2006.

The Head of Planning and Engineering had recommended that the application be granted, because he felt that it complied with the relevant policies which were listed below:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
The 45 Degree Guideline (Supplementary Planning Guidance)

The Committee also considered the information in the addendum which was circulated at the meeting.

After considering the officers report and presentation, the Committee were of the opinion that the application should be granted.

RESOLVED that application W06/1560 be GRANTED subject to the following conditions:

- (1) The works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the details shown on the approved drawing unnumbered, and specification contained therein, submitted on 23rd October 2006 except as required by condition 3 below and unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- (3) No development shall be carried out on the site which is the subject of this permission until large scale details of the Conservation type rooflights have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.

766. WARWICK PRINTING, THEATRE STREET, WARWICK

The Committee considered an application from Blue Cedar Development Ltd for the conversion and extension of former factory into 16 apartments with associated car spaces at ground level.

This application needed to be reported to Committee because the need for a Section 106 Agreement/Unilateral Undertaking, assuming consent was given.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995).
(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995).
SC8a - Managing Housing Supply (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
SC9 - Affordable Housing (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
Managing Housing Supply SPD.

The Committee also considered information in the addendum which was circulated at the meeting.

After considering the officers' report and presentation, the Committee were of the opinion that the application should be granted should consent be given.

RESOLVED that application W06/1512 be GRANTED, as amended, after completion of a Section 106 Agreement/Unilateral Undertaking for education and library contributions (or payment of the monies) and sum for air quality monitoring whichever is the sooner, 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. 2280-01, -02A, -03, -04 and specification contained therein, received on 18th September and 16th October 2006 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 satisfactory details of a noise insulation scheme to minimise transmission of airborne noise have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON :** In the interests of the 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.

767. PORTOBELLO WORKS, EMSCOTE ROAD, WARWICK

The Committee considered an application from County and Metropolitan Homes for the approval of reserved matters for details of residential development for 59 dwellings, associated parking and refuse stores.

This application was presented to Committee because the number of objections which had been received.

The site had been visited by the Committee because the Chair had decided it would be beneficial to visit the site before the application was considered by them.

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

(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).

After considering the officer's report and presentation, the Committee were of the opinion that the application should be granted.

RESOLVED that application W06/1665 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 drawings P-01C, -02A, -03A, -04, -05, -06A, -07A, -08A, -09, -10, -11, -12, -13 and specification contained therein, submitted on 18 October and 4 December 2006, 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;
- (2) 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;
- (3) Before the development hereby permitted is begun, the further written approval of the District Planning Authority shall be obtained for details of the design and construction of the estate roads and footways serving the development. These details shall include large scale plans and cross and longitudinal sections, showing design, layout, construction of the estate together with surface water drainage to outfall. **REASON** : To ensure compliance with the Council's standard;
- (4) The development hereby permitted shall not be commenced until the phase 1-Greville Road junction has been substantially completed to the satisfaction of the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;

- (5) During the construction of any works on site the developer and contractor shall ensure clear, unobstructed access for existing residents of Greville Road and the greyhound track. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (6) The development hereby permitted shall not be commenced unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (7) The development hereby permitted shall not be commenced unless there is available space within the site for the parking, loading and unloading of all vehicles. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (8) The roads and footways serving the development hereby permitted shall not be designed or constructed other than in accordance with the requirements and standard specifications of the Highway Authority as set out in "Transport and Roads for Developments - The Warwickshire Guide 2001", together with any published amendments to it. **REASON :** To ensure compliance with the Council's standards; and
- (9) No dwelling hereby permitted shall be occupied until estate roads, including footways serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

768. 6 ALBANY TERRACE, LEAMINGTON SPA

The Committee considered an application from Mr & Mrs P Lloyd for the erection of a single storey side and rear extension with sloped glazed roof.

PLANNING COMMITTEE MINUTES (Continued)

The application was presented to the committee because objections had been received from Royal Leamington Spa Town Council.

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

(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).

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 Committee also considered the information in the addendum which was circulated at the meeting.

After considering the officers' report and presentation, the Committee were of the opinion that the application should be granted.

RESOLVED that application W06/1669 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) 618/PD/03A & 618/PD/04A, and specification contained therein, submitted on 19 December 2006, 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.

769. 39 INCHBROOK ROAD, KENILWORTH

The Committee considered an application from Mr and Mrs Yakimov for the erection of a false garage front and a single storey rear extension.

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

This application was deferred at Planning Committee on the 13 December 2006, to enable a site visit to take place on 6 January 2007

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

(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).

After considering the officers report and presentation, the Committee were of the opinion that the application should be granted.

RESOLVED that application W06/1677 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) (1340-1E), and specification contained therein, submitted on 25 October 2006 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.

770. GRANGE COTTAGE, LAPWORTH STREET, BUSHWOOD, LOWSONFORD

The Committee considered an application from Mrs D Earle for the change of use from agricultural land to residential cartilage and the erection of a replacement building for use as a garden store, office and games room.

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

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

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)
- (DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
- (DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)

After considering the officers' report and presentation, the Committee were of the opinion that the application should be granted.

RESOLVED that application W06/1685 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 number 4802-2, and specification contained therein, received on 14th November 2006 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) No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : 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.

771. QUINTON LODGE, KENILWORTH ROAD, LEAMINGTON SPA

The Committee considered an application from Mr and Mrs Asford for internal alterations amending application W06/1149LB, comprising the removal of two internal walls at basement level, a lightwell and the blocking up of kitchen and lightwell doors.

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

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

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)
DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version).

After considering the officers' report and presentation, the Committee were of the opinion that the application should be granted.

RESOLVED that application W06/1742 LB be GRANTED subject to the following conditions:

- (1) The works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s)1008/13B, and specification contained therein, submitted on 31st October 2006 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) No development shall be carried out on the site which is the subject of this permission until large scale details of the proposed roof construction and guttering have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.
REASON: To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.

772. 44 KINGSWAY, LEAMINGTON SPA

The Committee considered an application from Mr D S Ausla for the erection of a two storey side extension and porch.

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

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

(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).

PLANNING COMMITTEE MINUTES (Continued)

After considering the officers' report and presentation, the Committee were of the opinion that the application should be granted.

RESOLVED that application W06/1747 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 (L102-2A), and specification contained therein, submitted on 8th November, 2006 unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building.
REASON : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (4) This permission authorises the erection of an extension to the existing dwelling and shall not be construed as permitting the erection of a separate dwelling unit. **REASON** : To satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

773. **48 KINGSWAY, LEAMINGTON SPA**

The Committee considered an application from Mrs G Chatha for the erection of a two storey rear and side extension.

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

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

After considering the officers' report and presentation, the Committee were of the opinion that the application should be granted.

RESOLVED that application W06/1756 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 numbers 1717/2A and 1717/3A and specification contained therein, submitted on 19 December 2006 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (4) The first floor windows in the west elevation of the extension 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

- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission, shall be placed at any time in the extension. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected.

774. 10 DAMSON ROAD, BUDBROOKE

The Committee considered an application from Mr and Mrs Cooke for the erection of two storey side extension after the demolition of an existing garage.

The application was presented to the Committee as one of the applicants' was a former Council employee.

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

(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).

After considering the officers' report and presentation, the Committee were of the opinion that the application should be granted.

RESOLVED that application W06/1834 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 drawings (unnumbered) and specification contained therein, submitted on 22 November 2006 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.

775. 30A LEICESTER LANE, LILLINGTON, LEAMINGTON SPA

The Committee considered an application from Mr C Smith for the erection of a two storey side extension and a single storey rear extension (amended design to W06/0603).

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

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
The 45 Degree Guideline (Supplementary Planning Guidance)

After considering the officers' report and presentation, the Committee were of the opinion that the application should be granted with an amendment to condition 4 which should read "no windows other than those expressly authorised by this permission, shall be placed at any time in the south elevation of the extension"

RESOLVED that application W06/1838 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 22 November 2006 unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON**: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission, shall be placed at any time in the south elevation of the extension. **REASON**: To retain control over future development so that the residential amenity of adjoining occupiers is protected.

(The meeting ended at 9.30pm)