

# PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 7 October 2009 in the Town Hall, Royal Leamington Spa at 6.00pm.

**PRESENT:** Councillor MacKay (Chairman): Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dean, Illingworth, Kinson, Mobbs and Shilton.

(Councillor Mobbs substituted for Councillor Mrs Higgins and Councillor Shilton substituted for Councillor Rhead)

## 194. **DECLARATIONS OF INTEREST**

### Minutes Number 196 – W09/0885 – 268 Myton Road, Warwick

Councillor Copping declared a personal interest because one of the objectors was known to him.

### Minute Number 197 – W09/0974 – Stoneleigh Park, Stoneleigh

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

### Minute Numbers 199 & 200 – W09/0777 & W09/0778CA – Loft Theatre, Victoria Colonnade, Leamington Spa

Councillor Kinson declared a personal interest because he was a former member of the Executive.

Councillors Mrs Bunker and Shilton declared a personal interest because they were members of the Executive.

Councillor MacKay declared a personal interest because he was a member of the monitoring team.

### Minute Number 202 – W09/0809 – Tollgate House and The Bungalow, Banbury Road, Bishops Tachbrook

Councillor Mrs Bunker declared a personal interest because of her involvement with the Guide Dogs for the Blind.

### Minute Number 203 – W09/0827 – 4 Moss Grove, Kenilworth

Councillor Mrs Blacklock declared a personal interest because she was acquainted with one of the objectors.

Councillor Mobbs declared a personal and prejudicial interest because he had discussed the application at Kenilworth Town Council Planning Committee and had been in dialogue with the neighbours. He left the room whilst this item was discussed.

## **PLANNING COMMITTEE MINUTES (Continued)**

Councillor Shilton declared a personal interest because he was a member of Kenilworth Town Council.

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

### **Minute Number 208 – W09/0840 - 1 Willes Terrace, Leamington Spa**

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

### **Minute Number 209 – W09/0841 – 2 Castle Hill, Kenilworth**

Councillor Mrs Blacklock declared a personal interest because she was acquainted with one of the objectors and the site of the application was in her Ward.

Councillors Mobbs and Shilton declared a personal and prejudicial interest because he had discussed the application at Kenilworth Town Council Planning Committee and had been in dialogue with the neighbours. He left the room whilst this item was discussed.

### **Minute Number 213 – W09/0951 – St Nicholas Park, Banbury Road, Warwick**

Councillors Barrott, Mrs Blacklock, Copping, Dean, Illingworth, Kinson and MacKay all declared a personal interest as the applicant and land owner was Warwick District Council.

Councillors Mrs Bunker, Mobbs and Shilton all declared a personal interest as the applicant and land owner was Warwick District Council, and they were also members of the Executive.

### **Minute Number 215 – W09/1021 – 40 Russell Terrace, Leamington Spa**

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

## **195. MINUTES**

The minutes of the meeting held on 16 September 2009 were confirmed as a correct record.

## **196. W09/0085 – 268 MYTON ROAD, WARWICK**

The Committee considered an application from Mr G Davies for the proposed erection of two storey and single storey extensions to the side and rear with a detached garage to the front. It was a resubmission of application W/08/1766.

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

## **PLANNING COMMITTEE MINUTES (Continued)**

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

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

The following people addressed the Committee:

Mr Gardner	Objector
Mrs J Davies	Applicant
Councillor Guest	Ward Councillor (Objecting)

It was proposed and duly seconded that the application should be deferred for a site visit. However this was lost on a vote of 3 votes in favour and 7 votes against.

It was then proposed and duly seconded that the application should be granted in accordance with the officer's recommendation. However this was lost on a vote of 2 votes in favour and 7 votes against.

Therefore, following consideration of the officer's report and presentation, information contained in the addendum and the representations made by objector, applicant and Ward Councillor, the Committee were of the opinion that the application should be refused, contrary to the officer's recommendation.

**RESOLVED** that application W09/0085 be REFUSED for the following reasons:

- (1) the development is unneighbourly by reason of its size and overbearing effect which is contrary to Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 and the Residential Design Guide; and
- (2) the garage/store in the front garden would be unacceptably prominent, clearly visible from Myton Road. It is contrary to the Residential Design Guide and would set an unacceptable precedent, detrimental to the existing character and appearance of the locality to Policy DP1 of the Local Plan and the Residential Design Guide.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **197. W09/0974 – STONELEIGH PARK, STONELEIGH**

The Committee considered an application from the National Farmers Union (NFU) for the construction of a single storey conference suite with additional parking on land adjacent to the existing headquarters.

The application was presented to Committee because an objection had been received from Ashow, Burton Green and Stoneleigh Joint Parish Council.

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

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

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

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

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

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

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

SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)

SSP3 - Stoneleigh Park (Warwick District Local Plan 1996 - 2011)

Sustainable Buildings (Supplementary Planning Document - December 2008)

The case officer was of the opinion that the development did not prejudice the openness and rural character of this green belt area, given that the land lay within a major developed site. The proposals were therefore considered to comply with the policies listed.

The following people addressed the Committee:

Councillor H Baker

Parish Council (Objecting)

Mr P Hughes

Agent

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

**RESOLVED** that application W09/0974 be GRANTED, after the amendment of the Section 106 Agreement for the National Farmers Union Green Travel Plan, and 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;

## PLANNING COMMITTEE MINUTES (Continued)

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 09049/0002A, /0002B, /1001C, /1003C, & W1301/1001/A and specification contained therein, submitted on 4 August 2009, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) 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;
- (4) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (5) the landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the

## PLANNING COMMITTEE MINUTES (Continued)

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

- (6) a Travel Plan comprising the following details shall be submitted to and approved in writing by the District Planning Authority, in consultation with the Highway Authority, within 3 months of the date of the first occupation of the development hereby approved and should include the following:-
- (i) a target for the proportion of employees who will travel by means other than single car occupancy;
  - (ii) a strategy for achieving the target(s);
  - (iii) a management programme;
  - (iv) a process for monitoring the process towards achieving the target(s); and
  - (v) measures should targets not be achieved.
- Thereafter the use of the site shall operate in strict accordance with the approved Travel Plan, unless otherwise agreed in writing by the District Planning Authority, in consultation with the Highway Authority.
- REASON** : To satisfy the aims of PPG13 in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site;
- (7) the car park hereby permitted shall be surfaced with an impervious material, marked out with white lines and available for use prior to the occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011; and
- (8) no lighting shall be fixed to the external walls or roof(s) of the building(s) hereby permitted, without the written consent of the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

## **PLANNING COMMITTEE MINUTES (Continued)**

### **198. W09/0925 – SPIRIT MOTOR HOLDINGS LTD, APOLLO WAY, TACHBROOK PARK, WARWICK**

The Committee considered an application from Spirit Motor Holdings Ltd for the installation of grasscrete runways and hooped barriers to provide an extended display area for 13 additional vehicles fronting onto Tachbrook Park Drive and Apollo Way (Retrospective Application).

The application was presented to Committee in order to request that enforcement action be taken.

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

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

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

The case officer was of the opinion that the proposed works would undermine the integrity and attractive setting of this carefully planned development which would be harmful to the character and appearance of the area and contrary to the requirements of the aforementioned policy

The following people addressed the Committee:

Mr P Frampton      Agent

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

**RESOLVED** that application W09/0925 be REFUSED for the following reasons, and enforcement action be authorised for the removal of the grasscrete runways and barriers:

Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design.

Landscaping formed an integral part of the Tachbrook Park Planning and Development Brief and was a fundamental factor in the development of the area. The result is an employment area set in pleasant surroundings with units set back from the highway behind significant 'green areas' providing an attractive setting for the buildings.

## **PLANNING COMMITTEE MINUTES (Continued)**

The extension of the approved display area as proposed would encroach into the landscaping area to the front of the dealership, a feature which forms an important part of the design and layout of the Tachbrook Park Industrial Estate and indeed which is repeated in front of most if not all other units within the estate, in particular in front of all of the numerous other car dealerships within the vicinity of the application site.

### **199. W09/0777 – LOFT THEATRE, VICTORIA COLONNADE, LEAMINGTON SPA**

The Committee considered an application from City Spirit Developments (Riverside) Ltd for the demolition of all existing buildings and the erection of a new replacement development, comprising a 4 storey building to provide 2 ground floor restaurants (A3 use), with 3 floors above to be used mainly as serviced office units (B1 use), but including 7 units on the third floor (as identified on plan) being proposed for use either as 7 office units (B1 use), or 7 flats (C3 use) or 7 live/work units (mixed B1/C3 use), together with external works including car parking and vehicle manoeuvring areas.

The application was presented to Committee because this was an application on behalf of Warwick District Council and because an objection had been received from Royal Leamington Spa Town Council.

The Committee visited the site on 3 October 2009 because the Chairman thought it would be beneficial to the members when determining the application.

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

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP10 - Flooding (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- TCP1 - Protecting and Enhancing the Town Centres (Warwick District Local Plan 1996 - 2011)
- TCP2 - Directing Retail Development (Warwick District Local Plan 1996 - 2011)
- TCP7 - Opportunity Sites in Old Town, Leamington Spa (Warwick District Local Plan 1996 - 2011)
- DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)



## **PLANNING COMMITTEE MINUTES (Continued)**

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

The District Council has adopted Supplementary Planning Documents on Vehicle Parking Standards and Sustainable Development; it has also published Supplementary Planning Guidance on Distance Separation.

The District Council has also published 'Royal Leamington Spa, a design framework in an historic town'.

Government Guidance of particular relevance is contained in PPG4, Industrial, Commercial Development and Small firms; PPS6, Planning for Town Centres and PPG15, Planning and the Historic Environment. (NB. Draft documents to replace these have been published).

The case officer was of the opinion that the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area or the setting of 'listed' buildings and parks. It would not cause unacceptable harm to the amenity of either commercial properties or dwellings which overlook this site and it achieved acceptable standards of layout and design, taking account of the restricted size and means of access to the site. It would support the viability and vitality of the town centre whilst contributing to the regeneration of this 'opportunity site' as defined in the Warwick District Local Plan 1996-2011. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Mr M Baxter	Conservation Area Advisory Forum (Objecting)
Ms M James	Objector
Mrs Swan	Objector
Mr J Corstorphine	Applicant
Councillor Gifford	Ward Councillors (Objecting)

The application was considered in conjunction with application W09/0778CA (Minute Number 200), which was the next item on the agenda. Therefore, the public speakers who addressed the Committee with regard this application also made their comments in relation to that application and only addressed the Committee once.

Following consideration of the officer's report and presentation and the representations made by CAAF, the two objectors, agent and Ward Councillors, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation.

## PLANNING COMMITTEE MINUTES (Continued)

**RESOLVED** that application W09/0777 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) subject to Condition 5 below, the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos. 2271-100, 102, 103D, 104D, 105D, 106D, 113B, 114C, 115B, 116B, 117B, 118A and 119, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority.  
**REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) samples of materials be approved by the District Planning Authority.  
**REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) 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 DAP8 of the Warwick District Local Plan 1996-2011;
- (5) notwithstanding the details shown on the approved plans, no development shall be carried out on the site which is the subject of this permission, until large scale details of bollard's, balcony/colonnade railings, columns/plinths, roof construction (in particular projecting 'fin' detail), cycle/refuse stores, sub-station, 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

## PLANNING COMMITTEE MINUTES (Continued)

approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

- (6) a 'hard' landscaping scheme for all hard surfaces within the site (including details of materials and construction) shall be submitted to and be approved by the District Council before the development hereby permitted is first commenced. Such approved scheme shall be wholly completed as so approved before the development hereby permitted is first occupied. **REASON** : To secure a satisfactory development and to satisfy the requirements of Policy DAP8 in the Warwick District Local Plan 1996-2011;
- (7) the car park cycle areas and manoeuvring areas hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996 – 2011;
- (8) before the development hereby permitted is first commenced, a scheme for the resurfacing of Spencer Yard to accommodate the manoeuvring of service vehicles shall be submitted to and be approved in writing by the District Planning Authority. Such approved scheme shall be wholly implemented as so approved before the development hereby permitted is first approved. **REASON** : In the interests of highway safety in accordance with the requirements of Policy DP6 in the Warwick District Local Plan 1996-2011;
- (9) before the development hereby permitted is first commenced, details of measures to prevent vehicular access into the 'urban square' in front of the North and West Halls in Spencer Yard other than by emergency vehicles or essential service vehicles shall be submitted to and be approved in writing by the District Planning

## PLANNING COMMITTEE MINUTES (Continued)

Authority. Such measures shall be implemented strictly as so approved before the development hereby permitted is so approved and shall thereafter be retained in position at all times. **REASON** : In the interests of securing a satisfactory development in accordance with the requirements of Policies DP1, DP2, DP6 and DAP8 in the Warwick District Local Plan 1996-2011;

- (10) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (11) following the first occupation of this development, no materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (12) no development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse 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 protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

## PLANNING COMMITTEE MINUTES (Continued)

- (13) 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;
- (14) no external lighting or sound amplification or tannoy system shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the District Planning Authority. **REASON** : To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;
- (15) details of any air conditioning, ventilation and flue extraction systems including particulars of noise levels shall be submitted to and approved by the Local Planning Authority before any works commence on site. The development shall not be carried out otherwise than in full accordance with such approved details.  
**REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP9 of the Warwick District Local Plan 1996-2011;
- (16) 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, in accordance with the objectives of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (17) a Travel Plan comprising the following details shall be submitted to and approved in writing by the District Planning Authority, in consultation with the Highway Authority, within 3 months of the date of the first occupation of the

## PLANNING COMMITTEE MINUTES (Continued)

development hereby approved and should include the following:-

- (i) a target for the proportion of employees who will travel by means other than single car occupancy;
- (ii) a strategy for achieving the target(s);
- (iii) a management programme;
- (iv) a process for monitoring the process towards achieving the target(s); and
- (v) measures should targets not be achieved.

Thereafter the use of the site shall operate in strict accordance with the approved Travel Plan, unless otherwise agreed in writing by the District Planning Authority, in consultation with the Highway Authority.

**REASON** : To satisfy the aims of PPG13 in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site;

- (18) service vehicle movements to the application site (including all deliveries, collections and refuse vehicle movements) shall be restricted to solely within the following periods of operation:- Monday to Sunday 7.30 am to 6.00 pm.

**REASON** : To protect the amenity of nearby residents in accordance with the requirements of Policy DP2 in the Warwick District Local Plan 1996-2011; and

- (19) the development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), Proposed Mixed Use Development, Loft Theatre, Leamington Spa dated May 2009 and the following mitigation measures detailed within the FRA:

- Appropriate assessment of infiltration (BRE365) and drainage layouts inclusive of infiltration methods should be carried out and made available to the Environment Agency as stated in Section 4.3 of the FRA.
- Limiting the surface water run-off to 51/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Flood-proofing measures detailed in Section 5.4 of the FRA.
- Finished floor levels are set no lower than 50.84m above Ordnance Datum (AOD)
- The use of SUDs as detailed in Section 5.9

## **PLANNING COMMITTEE MINUTES (Continued)**

of the FRA, using permeable pavement techniques.

- Evacuation plans as detailed within Section 5.7 of the FRA, with the inclusion of enrolment to the Environment Agency Warning Service, should be referred and accepted by the LA Emergency Planners.

**REASON :** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

### 200. **W09/0779CA – LOFT THEATRE, VICTORIA COLONNADE, LEAMINGTON SPA**

The Committee considered an application from City Spirit Developments (Riverside) Ltd for the demolition of all existing buildings and the erection of a new replacement development, comprising a 4 storey building to provide 2 ground floor restaurants (A3 use), with 3 floors above to be used mainly as serviced office units (B1 use), but including 7 units on the third floor (as identified on plan) being proposed for use either as 7 office units (B1 use), or 7 flats (C3 use) or 7 live/work units (mixed B1/C3 use), together with external works including car parking and vehicle manoeuvring areas.

The application was presented to Committee in association with application W09/0777 for the redevelopment of this site.

The Committee visited the site on 3 October 2009 because the Chairman thought it would be beneficial to the members when determining the application.

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

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

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

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

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

TCP7 - Opportunity Sites in Old Town, Leamington Spa (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the proposed demolition would not result in harm to the character or appearance of the Conservation Area. Therefore, the proposal was considered to comply with the policies listed.

## **PLANNING COMMITTEE MINUTES (Continued)**

The following people addressed the Committee:

Mr M Baxter	Conservation Area Advisory Forum (Objecting)
Ms M James	Objector
Mrs Swan	Objector
Mr J Corstorphine	Applicant
Councillor Gifford	Ward Councillors (Objecting)

The application was considered in conjunction with application W09/0777 (Minute Number 199), which was the next item on the agenda. Therefore, the public speakers who addressed the Committee with regard this application also made their comments in relation to that application and only addressed the Committee once.

Following consideration of the officer's report and presentation and the representations made by CAAF, the two objectors, agent and Ward Councillors, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation.

**RESOLVED** that application W09/0778CA 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 demolition of the Loft Theatre hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under W09/0777 has been made. **REASON** : To avoid the creation of an unsightly gap within the Conservation Area, in order to satisfy the requirements of DAP8 of the Warwick District Local Plan 1996-2011; and
- (3) no development shall commence on site until a photographic record of the building has first been obtained in accordance with a brief to be first agreed in writing by the District Planning Authority in consultation with the Theatres Trust. The record shall be deposited both with Warwick District Council and the Theatres Trust prior to work commencing. **REASON**: To ensure a record is made of the structure which is part of the built heritage of the District, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011.



## **PLANNING COMMITTEE MINUTES (Continued)**

### **201. W09/0745 – BAKERS BARN, BAKERS LANE, KNOWLE**

The Committee considered an application from Mrs S Smith for the erection of a stabling and hay store.

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

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

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

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

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

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

The case officer was of the opinion that the development would not unacceptably harm the general openness or rural character of the green belt within which the property was situated, by reason of its scale, design and siting. The proposal was therefore considered to comply with the policies listed.

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

**RESOLVED** that application W09/0745 be GRANTED after completion of a legal agreement to secure the revocation of the planning permission W06/1322 on adjoining land, 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) BB2 and specification contained therein, submitted on 16 June 2009, unless first agreed otherwise in writing by the District Planning Authority.  
**REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a suitable bound

## **PLANNING COMMITTEE MINUTES (Continued)**

material for a distance of at least 10 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (4) the development shall not be commenced until a access for vehicles has been provided to the site not less than 5 metres in width at any point for a distance of 10metres, 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 DP6 of the Warwick District Local Plan 1996-2011;
- (5) gates erected at the entrances to the site for vehicles shall not be hung so as to open to within 10 metres of the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (6) the development shall not be commenced until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres extending to the limits of the site boundary in either direction. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

### 202. **W09/0809 – TOLLGATE HOUSE AND THE BUNGALOW, BANBURY ROAD, BISHOPS TACHBROOK**

The Committee considered an application from the Guide Dogs for the Blind Association for the change of use of Tollgate House and The Bungalow from ancillary offices back to residential use, providing two units in total.

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

## **PLANNING COMMITTEE MINUTES (Continued)**

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

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

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

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

RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)

RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development achieved acceptable standards of layout and design and results in an improvement to the open rural character of the area which justified a grant of permission for these dwellings in a rural location, contrary to policies RAP1 and SC2. The application as amended was therefore considered not to materially prejudice the policies listed.

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

**RESOLVED** that application W09/0809 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) DNS-03,11A,11B,12,13,14,18 Rev A received on 21 September 2009, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the landscaping scheme submitted as part of the application hereby permitted (shown on the amended landscaping drawing DNS 18 shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. Any trees removed, dying, being severely damaged or

## **PLANNING COMMITTEE MINUTES (Continued)**

becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

- (4) Tollgate House shall be reduced in size in accordance with drawings DNS 11A rev. A and DNS 11B rev. A , before the change of use to residential dwelling hereby permitted takes place .**REASON:** To secure a reduction in the scale and mass of built development on this site so as to enhance the rural character of the area; and
- (5) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

### **203. W09/0827 – 4 MOSS GROVE, KENILWORTH**

The Committee considered an application from Mr & Mrs Pilkington for a proposed new dwelling in the grounds of 4, Moss Grove, Kenilworth, with access from Coventry Road.

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

This application had been deferred at Planning Committee on the 16 September 2009, to enable a site visit to take place on 3 October 2009. The report incorporated some additional distance information which the applicant had requested and had been included in the previous addendum.

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

The 45 Degree Guideline (Supplementary Planning Guidance)

## **PLANNING COMMITTEE MINUTES (Continued)**

Distance Separation (Supplementary Planning Guidance)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP6 - Access (Warwick District Local Plan 1996 - 2011)  
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)  
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development was of an acceptable standard of design which would harmonise with the design and appearance of its surroundings and would not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy, or significant harm to protected trees. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be refused contrary to the officer's recommendation.

**RESOLVED** that application W09/0827 be REFUSED because it is contrary to DP1 and DP2 by way of the over bearing impact on the immediate neighbour at number 2 Coventry Road, Kenilworth, and is out of character with the street scene by reason of its size and mass.

### **204. W09/0906 – 22 MYTON GARDENS, WARWICK**

The Committee considered an application from Mr S Sidhu for the erection of single storey rear and two storey side extensions, an extension to the front of the garage with a first floor extension above, and construction of a basement to provide swimming pool and associated shower/plant room.

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

The Committee visited the site on 3 October 2009 because the Chairman thought it would be beneficial to the members when determining the application.

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

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

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

## **PLANNING COMMITTEE MINUTES (Continued)**

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

**RESOLVED** that application W09/0906 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved amended drawing 1097/02, and specification contained therein, submitted on 22nd September, 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

### **205. W09/0989 – 21 MEADOW CLOSE, LILLINGTON, LEAMINGTON SPA**

The Committee considered an application from Mr & Mrs Simpson for the erection of a two storey side and rear extension.

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

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

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

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

Residential Design Guide (Supplementary Planning Guidance - April 2008)

The case officer was of the opinion that the development was of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings and would not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

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

## **PLANNING COMMITTEE MINUTES (Continued)**

**RESOLVED** that application W09/0989 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 FPB21MC/001 and FPB21MC/003 and specification contained therein, submitted on 14 August 2009 unless first agreed otherwise in writing by the District Planning Authority.  
**REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

### **206. ADJOURNMENT OF MEETING**

The Chairman adjourned the meeting of Wednesday 7 October 2009 to Thursday 8 October 2009 at 6.00pm.

(The meeting adjourned at 9.30pm)

### **RESUMPTION OF THE ADJOURNED PLANNING COMMITTEE MEETING**

Minutes of the adjourned Planning Committee meeting held on Thursday 8 October 2009 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**PRESENT:** Councillor MacKay (Chairman): Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dean, Illingworth, Kinson, Mobbs and Shilton.

(Councillor Mobbs substituted for Councillor Mrs Higgins and Councillor Shilton substituted for Councillor Rhead)

## **PLANNING COMMITTEE MINUTES (Continued)**

### **207. W09/0804LB – 8 CASTLE STREET, WARWICK**

The Committee considered an application from Miss E Dimelor for the removal of an internal stud partitioning, removal of concrete floors to ground floor rooms, removal of a false ceiling, installation of a central heating system to include under floor heating to ground floor rooms, reinstatement of plasterwork to make good damage caused by partitions and replace skirting boards.

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

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

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

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

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

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

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development would not adversely affect the historic integrity, character or setting of the listed building and was of an acceptable standard of design and detailing. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation subject to an additional condition on floor finishes.

**RESOLVED** that application W09/0804LB for listed building consent 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) notwithstanding the details in respect of the extent of the underfloor heating shown on the submitted plans, no work shall be carried out on the site which is the subject of this permission other than within the rooms with existing concrete floors. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011; and



## **PLANNING COMMITTEE MINUTES (Continued)**

- (3) the floor finishes to be approved in writing by the District Planning Authority.

### **208. W09/0840 – 1 WILLES TERRACE, LEAMINGTON SPA**

The Committee considered an application from Mr Kendrick for a proposed basement conversion with lightwells to the front, side and rear elevations.

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

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

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

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

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

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

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

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

**RESOLVED** that application W09/0840 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 03 and 04, and specification contained therein, submitted on 16 July 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

## **PLANNING COMMITTEE MINUTES (Continued)**

- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of new doors and windows (including a section showing the window reveal, heads and cill details) 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 DAP8 of the Warwick District Local Plan 1996-2011; and
- (4) no development shall be carried out on the site which is the subject of this permission, until details of a lightwell grille to cover the side lightwell have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan.

### **209. W09/0841 – 2 CASTLE HILL, KENILWORTH**

The Committee considered an application from Mr & Mrs Twigger for the erection of a two storey side and single storey rear extension.

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

This application was deferred at Planning Committee on the 17 September, 2009, to enable a site visit to take place on 3 October 2009.

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

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

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

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

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

## **PLANNING COMMITTEE MINUTES (Continued)**

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be refused contrary to the recommendation in the report.

**RESOLVED** that application W09/0841 be REFUSED because of the difference in ground levels between the applicants property and neighbours property. This application was unneighbourly and overbearing in accordance with DP2 and failed to respect the neighbouring properties as set out in DP1

### **210. W09/0842 – CHESTNUT COTTAGE, LAPWORTH STREET, LAPWORTH**

The Committee considered an application from Mackie (deceased) for the demolition of an existing dwelling and the erection of a replacement dwelling.

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

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

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)

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

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

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

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

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

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

The case officer was of the opinion that the proposed replacement dwelling was not materially larger than the existing dwelling and would not result in a greater impact on the character and openness of the rural area. The proposal was therefore considered to comply with the policies listed.

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

**RESOLVED** that application W09/0842 be GRANTED subject to the following conditions:

- (1) this permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 as amended, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
  - (a) access
  - (b) appearance

## PLANNING COMMITTEE MINUTES (Continued)

### (c) landscaping

**REASON** : To comply with Section 92 of the Town and Country Planning Act 1990 as amended;

- (2) the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON** : To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (3) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) a landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch

## PLANNING COMMITTEE MINUTES (Continued)

spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (6) before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON**: To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011; and
- (7) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority.

## **PLANNING COMMITTEE MINUTES (Continued)**

**REASON** : This site lies in the Green Belt. It is considered appropriate therefore to retain control over future development to ensure that the open character of the Green Belt is protected in accordance with the provisions of Policies DAP1 and RAP2 of the Warwick District Local Plan 1996-2011.

### **211. W09/0899 – 80 EMSCOTE ROAD, WARWICK**

The Committee considered an application from Mr B Gill for the change of use to a House in Multiple Occupation (HIMO) providing eight en-suite bed sitting rooms with kitchenettes and two communal kitchen/laundry rooms.

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

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

Vehicle Parking Standards (Supplementary Planning Document)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)  
DP8 - Parking (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development achieved acceptable standards of layout and design and would not give rise to any harmful effects in terms of parking or neighbours' amenities which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation, and information contained within the addendum, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation, subject to an additional condition regarding the surface of the rear car park.

**RESOLVED** that application W09/0899 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 drawings 80/1b, 80/3B, and specification contained therein, submitted on 22nd July, 2009 and 22nd September, 2009 unless first agreed otherwise

## **PLANNING COMMITTEE MINUTES (Continued)**

in writing by the District Planning Authority.

**REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) the proposed car parking area, cycle parking facility and bin storage provision for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. Such facilities shall be retained for use by the occupants of the approved development thereafter **REASON** : To ensure that adequate vehicle and cycle parking facilities are retained available, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;and
- (4) written approval from the District Planning Authority for the rear parking area service in accordance with DP11.

### **212. W09/0928 – 23 BANQUO APPROACH, WARWICK**

The Committee considered an application from Mrs JK Pavial for the erection of a two storey side extension and single storey rear extensions.

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

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

The case officer was of the opinion that the development was of an acceptable standard of design which would harmonise with the design and appearance of the main dwelling and its surroundings and would not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be granted in accordance with the officer's recommendation, subject to an additional condition on sustainable energy.

## **PLANNING COMMITTEE MINUTES (Continued)**

**RESOLVED** that application W09/0928 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 23BA-02 Rev B and 23BA-03 Rev A, and specification contained therein, submitted on 17 September 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) a landscaping scheme for the area to the side of the extension shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;and
- (5) 10% sustainable energy.

### **213. W09/0951 – ST NICHOLAS PARK, BANBURY ROAD, WARWICK**

The Committee considered an application from Warwick District Council for the erection of an extension to an existing toilet block.

The application was presented to Committee because the applicant was the Warwick District Council.



## **PLANNING COMMITTEE MINUTES (Continued)**

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

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

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

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

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

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

**RESOLVED** that application W09/0951 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) (no. HPS/STN/02), and specification contained therein, submitted on 4 August 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011; and
- (4) there are public sewers which cross the site. No building shall be erected or trees planted within 5 metres of these sewers. The applicant may wish to apply to Severn Trent Water to divert the

## **PLANNING COMMITTEE MINUTES (Continued)**

sewers in accordance with Section 185 of the Water Industry Act 1991 or for a Building Over or Close to a Public Sewer Agreement.

**REASON:** To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system. For further information call 0116 2343834.

### **214. W09/0995 – 12 MYTON CRESCENT, WARWICK**

The Committee considered an application from Mr G Kensett for the erection of a two storey side extension, a single storey front extension to include a porch, bay window and garage, after the demolition of existing.

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

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

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

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

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

**RESOLVED** that application W09/0995 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 drawing nos. GK/1 and GK/2, and specification contained therein, submitted on 12th August 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON :** For the

## **PLANNING COMMITTEE MINUTES (Continued)**

avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

### **215. W09/1021 – 40 RUSSELL TERRACE, LEAMINGTON SPA**

The Committee considered an application from Mr M Hero for the provision of additional windows to the side and rear elevations of the existing house and the replacement of metal casements with timber (re-submission of W09/0549).

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

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

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

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

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

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

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

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

**RESOLVED** that application W09/1021 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 A09/309/01 Rev A, and specification contained therein, submitted on 18 August 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory

## **PLANNING COMMITTEE MINUTES (Continued)**

form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of all new windows (including a section showing the window reveal, heads and cill details) at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011; and
- (4) all window 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 DAP8 of the Warwick District Local Plan 1996-2011;

### **216. TREE PRESERVATION ORDER SUB-COMMITTEE**

The Tree Preservation Order Sub-Committee had been established on 9 January 2008, but the required review after 12 months had not been undertaken. Therefore the Planning Committee were requested to confirm the re-establishment of the Tree Preservation Order Sub-Committee.

#### **RESOLVED** that

- (1) the Tree Preservation Order Sub-Committee be established to meet on a quarterly basis;
- (2) the Tree Preservation Order Sub-Committee be delegated authority to determine Tree Preservation Orders where objections have been received;
- (3) the Tree Preservation Order Sub-Committee to non-political proportionate, consisting of one member from each political party who will be Councillors Mrs Blacklock, Barrott, Illingworth and MacKay;
- (4) the substitutes for Tree Preservation Order Sub-Committee be any member of the Planning Committee or those members already named as substitutes for the Planning Committee;

## **PLANNING COMMITTEE MINUTES (Continued)**

- (5) the Tree Preservation Order Sub-Committee follows the general principles of public speaking as established in the Planning Committee Public Speaking Procedure;
- (6) for each Tree Preservation Order to be considered by the Sub-Committee the committee visit the site before determining the order;
- (7) the Tree Preservation Order Sub-Committee follows the general principles for site visits as established by the Planning Committee site visit procedure; and
- (8) the first meeting of the Sub-Committee be held on 2 November 2009 at 5.00pm.

(The meeting ended at 7.35pm)