

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 22 August 2006 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

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

338. DECLARATIONS OF INTEREST

Minute Number 339 – W05/0262 Dalehouse Lane / Common Lane / Cotton Drive, Kenilworth

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

Minute Number 340 – W06/0994 Plot 6 Fieldgate Lawn, Fieldgate Lane, Kenilworth

Councillor Mrs Blacklock declared a personal interest because the application site was within her Ward.

Minute Number 345 – W06/1169 – 116 Lillington Road, Leamington

Councillor Mrs Knight declared a personal interest in this application because the applicant was known to her.

Minute Number 353 – W06/1015 – 16a Lillington Road, Leamington Spa

Councillor Mrs Knight declared a personal interest during this item when she became aware, whilst reading the addendum papers, that one of the objectors to the application was known to her

Minute Number 357 – W06/1110 – 11 Firethorn Crescent, Whitnash

Councillors Ashford, Mrs Blacklock, Mrs Bunker, Mrs Compton, Ms De-Lara-Bond, Kinson, Mrs Knight and Tamlin all declared personal interests in the application because the applicant was an employee of Warwick District Council.

Minute Number 361 – W06/1143TC – Highways Verge, Tachbrook Road, Bishops Tachbrook

Councillor Tamlin declared a personal interest in this item following pre-consultation with the applicant, although no comments were made.

339. DALEHOUSE LANE / COMMON LANE / COTTON DRIVE, KENILWORTH

The Committee considered an outline application from J G Land and Estates for a residential development including improvements to the Dalehouse Land and Common Lane junction.

Following the late submission of information and the change in detail of the report, the Committee felt it was necessary to defer the item for one cycle as insufficient time was available for them to consider the new information.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W2005/0262 be DEFERRED in order for the Committee to consider the extra information which was submitted late.

340. PLOT 6, FIELDGATE LAWN, FIELDGATE LANE, KENILWORTH

The Committee considered an application for The Estate of PEM Burbridge (Deceased) for siting, design, external appearance, access and landscaping for a new dwelling.

A site visit was carried out on Saturday 19 August 2006.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

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

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

(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)

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

The following addressed the Committee on this item:

Mr P Griffiths	Objector
Councillor Vincett	Speaking on behalf of Ward Councillor (Councillor Coker)

Having considered the officers' report and having heard representations from members of the public, it was proposed and duly seconded to defer the item in order for the objectors to be given full consultation on the new plans. This motion was lost.

It was then proposed and duly seconded to move the officers' recommendations to grant permission. This motion was lost.

It was then proposed and duly seconded to defer the item on the grounds that full consultation be given to the objectors regarding the new plans and the applicant be approached with a request to reduce the roof height of the application. This motion was won.

RESOLVED that the Committee DEFER approval of the reserved matters for application W2006/0994 in order for the objectors to have full consultation on the new plans and to request that the applicant reduce the roof height.

PLANNING COMMITTEE MINUTES (Continued)

341. 66 MERCIA WAY, WARWICK

The Committee considered an application for Mr M Marshall for the extension of existing residential garden.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

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

The following addressed the Committee on this item:

Mr N Kenton	Objector
Councillor Mrs Mellor	Ward Councillor

Having considered the officers' report and having heard representations from members of the public it was proposed and duly seconded, that the item be deferred in order for a site visit to take place. The motion was lost.

It was then proposed and duly seconded to grant as per the officers' recommendations. This motion was won.

RESOLVED that applications W06/1003 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 no. 4360/06A, and specification contained therein, submitted on 8th August 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) A topographic survey showing existing ground levels on the site shall be submitted to and approved by the District Planning Authority within two months of the date of this permission. The existing ground levels shall not be altered or reduced without the prior written consent of the District Planning Authority. **REASON** : To ensure that the possibility of flooding of adjoining properties is not increased and to ensure that an accurate record of existing levels is available; and

PLANNING COMMITTEE MINUTES (Continued)

- (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 development shall be carried out which comes within Part 1 (Class E) of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To prevent any obstructions to flood flows across the site which could increase flood risk elsewhere.

342. **LAND AT GREEN LANE, SHREWLEY, WARWICK**

The Committee considered an application from Mr and Mrs Lan for the stationing of a temporary mobile house (for three years).

This application was deferred at Planning Committee on the 3 August, for further information from the applicant to justify needs, provide up-to-date information on availability of other properties in the local area, and balance of business between Thai crops and hanging baskets. This information was been requested from the applicant and was included in the addendum.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with various policies.

The following addressed the Committee on this item:

Mr Wesbury	Parish Council
Mr P Manning	Objector
Mr J Hancock	Supporter

Having considered the officers report and representations from members of the public, it was proposed and duly seconded that the application be granted as per the officers' recommendations with an amendment to condition 2. This motion was lost.

It was proposed and duly seconded that the Committee refuse the application because it did not satisfy three of the five criteria set out in the Assessment section of the Key Issues of the report. Specifically numbers (i), (iii) and (iv) detailed on page 44 of the agenda. This motion was won.

RESOLVED that application W2006/1041 be REFUSED as failed to satisfy three of the five criteria set out in Annex of PPS7 in particular:

- (i) Clear evidence was not shown of a firm intention and ability to develop the enterprise;
- (ii) Clear evidence was not shown that the proposed enterprise had been planned on a sound financial basis; and
- (iii) It was not proven that the functional need could not be met by another existing dwelling on the unit or in the surrounding area.

PLANNING COMMITTEE MINUTES (Continued)

343. SOUTH WEST WARWICK DEVELOPMENT, LAND ADJACENT TO NARROW HALL MEADOW, WARWICK

The Committee considered an application from Taylor Woodrow Developments Ltd for the erection of a district centre, including shops, nursery, community hall, place of worship, doctors' surgery, public house and 24 flats.

The Head of Planning and Engineering recommended that the details be approved subject to conditions as he considered that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(LW) H2 - Major Housing allocations and phasing.

The following addressed the Committee on this application:

Dr M Richer	Objector
Mr N Woodward	Applicant

RESOLVED that the details for application W2006/1096 be APPROVED as they satisfied conditions 1, 4 and 5 of outline planning permission W2004/2251, after completion of a Section 106 Unilateral Undertaking/ Agreement for the provision of affordable housing, subject to the following conditions:-

- (1) No development shall be carried out on the site which is the subject of this permission, until details of the screen walls to the service yard, bins, and substation 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 for this development; and
- (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.

344. 40 NEW STREET, KENILWORTH

The following application was withdrawn from the agenda as the applicant had been unable to submit requested information in time.

PLANNING COMMITTEE MINUTES (Continued)

345. 116 LILLINGTON ROAD, LEAMINGTON

The Committee considered an application from Dr K Pandyr for the demolition of the existing building and erection of replacement dwelling.

A site visit was carried out on Saturday 19 August 2006.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the relevant policies.

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
SC8a - Managing Housing Supply (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

The following addressed the Committee on this application:

Mr J Rowley	Objector
Councillor Mrs Goode	Ward Councillor

Further to the report on the application, a further condition was suggested in the addendum to the agenda circulated at the meeting, which the Committee agreed with.

It was proposed and duly seconded that the Committee refuse the application on the grounds that the application was unneighbourly and overdevelopment. This motion was lost.

It was then proposed that the application be granted as per the officers' recommendations with the addition of the further condition as per the addendum. This motion was won.

RESOLVED that application W2006/1169 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, 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;

PLANNING COMMITTEE MINUTES (Continued)

- (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) 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 elevations of the dwelling.
REASON : To retain control over future development so that the residential amenity of adjoining occupiers is protected; and
- (5) Obscure glazing of the side windows on the south elevation to the first floor en-suite. **REASON**: To protect the amenity of the neighbouring residents.

346. 8 SPENCER STREET, LEAMINGTON SPA

The Committee considered an application from Mr D Ramzan for the variation of condition 1 of planning permission W920833 to extend the opening hours to 1230-0200 hours on Sundays, Mondays and Wednesdays; 1230 – 0230 hours on Tuesdays; and 1230 – 0400 hours on Thursdays, Fridays and Saturdays.

The Head of Planning and Engineering had recommended that the permission be granted subject to conditions as he considered that it complied with the following policies:

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

RESOLVED that W0/1028 be GRANTED subject to the premises shall only be open to the public between the hours of 1230 and 0200 hours on Sundays, Mondays and Wednesdays; 1230 and 0230 hours on Tuesdays; and 1230 and 0400 hours on Thursdays, Fridays and Saturdays. **REASON**: To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.

347. 45 WARWICK STREET, LEAMINGTON SPA

The Committee considered an application from Mr P Akhter for the variation of condition 10 of planning application W20030351 to allow an increase in opening hours of premises from 11.30 p.m. to 3.00 a.m. on Thursday, Friday, Saturday and public bank holidays.

PLANNING COMMITTEE MINUTES (Continued)

The Head of Planning and Engineering had recommended that permission be granted subject to conditions as he considered that it complied with the following policies:

General Government guidance on town centres is contained in PPS6, Positive planning for town centres, a plan-led approach.

(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).

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

RESOLVED that application W06/1079 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) These premises shall only be open to the public between the hours of 8.00a.m. and 11.30p.m. on Sundays, Mondays, Tuesdays and Wednesdays and between the hours of 8.00a.m. and 3.00a.m. of the following day on Thursdays, Fridays and Saturdays and public Bank Holidays. **REASON** : To prevent noise and disturbance to the occupiers of residential properties in the town centre from persons entering or leaving the premises or congregating on the public highway around this site; and
- (3) The level of noise from the premises, including from any plant or equipment such as air conditioning or refrigeration units, measured one metre from the nearest noise sensitive facade(s) shall not include the background noise level measured as set out below:
 1. The 'background level' shall be measured as the A-weighted sound pressure level exceeded for 90% of the time, LA90, over a minimum period of five minutes. A time constant of 125 milliseconds (fast).
 2. The level of the noise shall normally be measured 1 metre from the facade of the nearest noise sensitive property. Where access is not practical it will be acceptable to measure in an alternative location and calculate back to the relevant location. In these circumstances, the

PLANNING COMMITTEE MINUTES (Continued)

details of such calculations must be recorded and kept for examination by the Council if required.

3. If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discreet impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.

4. The 'background level' shall be measured using an environmental or statistical noise analyser or an equivalent data logging system complying with type 2 of BS EN 60651 or better.

348. ADJOURNMENT OF MEETING

The Chair adjourned the meeting of the Planning Committee held on Tuesday 22 August 2006 to Thursday 24 August 2006 at 6.00 pm

(The meeting closed at 9.40 pm)

RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday 24 August 2006 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

349. MUMBAI BLUU, 4 BEDFORD STREET, LEAMINGTON SPA

The Committee considered an application from Momak Ltd for a single storey rear extension to restaurant and provision of roof terrace and three storey extension on Windsor Place frontage to provide private function area.

The Head of Planning and Engineering considered the following policies relevant to this 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)

RESOLVED that application W2006/0991 be GRANTED subject to the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- (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) 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 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 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;
- (4) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (5) All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan;
- (6) All door and window frames shall be constructed in timber, painted and not stained. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan;

PLANNING COMMITTEE MINUTES (Continued)

- (7) The roofing material for the pitched roof parts of the development shall be natural slate, a sample of which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the 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
- (8) Gates/doors provided at the entrance to the site shall not open outwards towards the public highway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

350. BUDBROOKE HOUSE CHILDREN'S NURSERY, STYLES CLOSE, HAMPTON MAGNA

The Committee considered an application from Ms Sally Whitehead for the erection of a 2.5m high security fence around rear garden.

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

- (DW) ENV3 - Development Principles (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)

RESOLVED that application W2006/0828 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 no. bambhcn/01, and specification contained therein, submitted on 11th July 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.

PLANNING COMMITTEE MINUTES (Continued)

351. GRASS VERGE, CHURCH LANE, RADFORD SEMELE

The Committee considered an application from Royal Mail Group Plc for the installation of a Royal Mail double pouch box.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

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

RESOLVED that application W2006/0855 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 number PB-1100366 and specification contained therein, submitted on 23 May 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.

352. 3 STAUNTON ROAD, LEAMINGTON SPA

The Committee considered an application from Mr S Baines for the erection of a rear extension.

This application was deferred at Planning Committee on the 2nd August, 2006, to enable a site visit to take place on 19th August, 2006.

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

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

PLANNING COMMITTEE MINUTES (Continued)

It was proposed, and duly seconded, that the application be granted as per the Officer's recommendations. This motion was lost.

It was the proposed and duly seconded that the application be refused because the application was overdevelopment of the site and unneighbourly by reason of the greater and more intrusive nature of the new application and the disproportionate scale of the development in relation to the original dwelling.

RESOLVED that application W2006/0979 be **REFUSED**, because the application was overdevelopment of the site and unneighbourly by reason of the greater and more intrusive nature of the new application and the disproportionate scale of the development in relation to the original dwelling.

353. 16a LILLINGTON ROAD, LEAMINGTON SPA

The Committee considered an application from Miss T Rickett for the erection of single storey rear extension to existing dwelling following demolition of existing garage and bricking up opening. Creation of new vehicular access and gates to new parking space and pedestrian access.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

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

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

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

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

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

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

RESOLVED that application W2006/1015 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;

PLANNING COMMITTEE MINUTES (Continued)

- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number RIC/0758/PA/700 and specification contained therein, submitted on 4 August 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; and
- (5) The new vehicular and pedestrian access gates hereby permitted shall be constructed in timber and painted, not stained. **REASON**: To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

354. **30 BATH STREET, LEAMINGTON SPA**

The Committee considered an application from Mr M Singh Atwal for the display of externally illuminated fascia sign (retrospective application).

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)

PLANNING COMMITTEE MINUTES (Continued)

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

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)

(DW) ENV20 - Advertising Control (Warwick District Local Plan 1995)

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

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

Supplementary Planning Guidance - Shopfronts and Advertisements in Leamington Spa.

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

RESOLVED that application W2006/1047 be GRANTED subject to the following conditions:

- (1) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority;
- (2) Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority;
- (3) Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority;
- (4) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission;
- (5) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome;
- (6) The development hereby permitted shall be carried out in accordance with the details shown on the approved drawing(s) and photographs, and specification contained therein, submitted on 6 July 2006, except as required by conditions 7 and 8 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;

PLANNING COMMITTEE MINUTES (Continued)

- (7) The fascia sign hereby permitted shall only include the lettering 'The Phone Tree' and all other logos and lettering shall be removed from the sign within 2 months of the date of this consent. Details of the logos and lettering to be applied to the shop window shall be submitted to and approved in writing by the local planning authority before they are displayed and they shall only be displayed in accordance with the approved details. **REASON :** To ensure a high standard of design and appearance for this Listed Building within the Conservation Area, and to satisfy Policies ENV8 and ENV11 of the Warwick District Local Plan 1995.; and
- (8) Within 2 months of the date of this consent, the pelmet light on the fascia sign shall be fitted with a diffuser in accordance with details that have been submitted to and approved in writing by the local planning authority. **REASON :** To ensure a high standard of design and appearance for this Listed Building within the Conservation Area, and to satisfy Policies ENV8 and ENV11 of the Warwick District Local Plan 1995.

355. 30 BATH STREET, LEAMINGTON SPA

The Committee considered an application from Mr M Singh Atwal for the installation of externally illuminated fascia sign; re-painting exterior of building; installation of burglar alarm box; retention of new rear door; internal partitioning to form new room; installation of suspended ceilings and slide boards to wall; and installation of internal security shutter (retrospective application).

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)
(DW) ENV20 - Advertising Control (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)
Supplementary Planning Guidance - Shopfronts and Advertisements in Leamington Spa.
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W2006/1048 LB be **GRANTED** subject to the following conditions:

- (1) The development hereby permitted shall be carried out in accordance with the details shown on the approved drawing(s) and photographs, and specification contained therein, submitted on 6 July 2006, except as required by conditions 2 and 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;
- (2) The fascia sign hereby permitted shall only include the lettering 'The Phone Tree' and all other logos and lettering shall be removed from the sign within 2 months of the date of this consent. Details of the logos and lettering to be applied to the shop window shall be submitted to and approved in writing by the local planning authority before they are displayed and they shall only be displayed in accordance with the approved details. **REASON** : To ensure a high standard of design and appearance for this Listed Building within the Conservation Area, and to satisfy Policies ENV8 and ENV11 of the Warwick District Local Plan 1995; and
- (3) Within 2 months of the date of this consent, the pelmet light on the fascia sign shall be fitted with a diffuser in accordance with details that have been submitted to and approved in writing by the local planning authority. **REASON** : To ensure a high standard of design and appearance for this Listed Building within the Conservation Area, and to satisfy Policies ENV8 and ENV11 of the Warwick District Local Plan 1995.

356. 1A ELM BANK CLOSE, LILLINGTON, LEAMINGTON SPA

The Committee considered an application from Mr and Mrs C Ives for the erection of a garage and installation of bedroom window to rear of dwelling.

A site visit was carried out on Saturday 19 August 2006.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

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

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W06/1098 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 001A and specification contained therein, submitted on 19 July 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) 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 at first floor in the side and rear elevations of the dwelling. **REASON** :To retain control over future development so that the residential amenity of adjoining occupiers is protected; and
- (4) There are public sewers which may cross the site. No building shall be erected or trees planted within 5 metres of the 375mm surface water and 3 metres of the 300mm public foul sewer. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991. **REASON**: To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system.

357. 11 FIRETHORN CRESCENT, WHITNASH, LEAMINGTON SPA

The Committee considered an application from Mr and Mrs Rayall for the erection of first floor side extension, conservatory and porch.

The report was brought before the Committee as the applicant was an employee of Warwick District Council.

RESOLVED that application W06/1110 be DEFERRED to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when determining the application.

PLANNING COMMITTEE MINUTES (Continued)

358. 22 & 5 THE HUGHES, SWAN STREET, WARWICK

The Committee considered an application from Caffe Chai for change of use from A1 to A3 use including addition of two air conditioning units and an extraction flue (amended scheme to W06/0570).

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) S5 - Changes of Use Within Retail Areas (Warwick District Local Plan 1995)
TCP4 - Primary Retail Frontages (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)

During his presentation the Planning Officer requested an additional condition that the external flue be painted matt black.

RESOLVED that application W06/1114 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) (Drawing no. 004 Revision 04), and specification contained therein, submitted on 5 July 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) Cooking operations shall be limited to the use of a microwave and grille only, as specified in the letter submitted with the application from Stratford Ventilation (reference 8273, dated 8 June 2006). **REASON**: To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan; and

PLANNING COMMITTEE MINUTES (Continued)

- (4) Within 1 month of the installation of the external flue hereby permitted shall be painted matt black and shall thereafter be retained as such at all times.
REASON: To preserve the Character and appearance of the Conservation Area in accordance with Policies ENV6 and ENV8 of the Warwick District Local Plan.

359. 22 & 5 THE HUGHES, SWAN STREET, WARWICK

The Committee considered an application from Caffe Chai for the display of a trough illuminated shop sign.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV20 - Advertising Control (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)

RESOLVED that application W06/1134 be GRANTED subject to the following conditions:

- (1) This consent is for a period of five years from the date hereof and is subject to the standard conditions in Part I of the First Schedule to the above mentioned regulations as follows:
 - (1) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
 - (2) Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.
 - (3) Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

PLANNING COMMITTEE MINUTES (Continued)

- (4) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - (5) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome; and
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (Drawing no. 002 Revision 03; Universal Unilight specification; Unilight photos; Un-numbered sign specification with horizontal section; Un-numbered sign specification with vertical section), and specification contained therein, submitted on 5 July 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.

360. **34 MOORHILL ROAD, WHITNASH, LEAMINGTON SPA**

The Committee considered an application from Mr and Mrs Mann for the erection of a canopy porch roof.

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

(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 Head of Planning and Engineering had recommended that the application be refused as the proposal was considered to conflict with local plan policies.

The Head of Planning and Engineering also recommended that Members authorise enforcement action, to be taken to secure the removal of the front porch within 2 calendar months.

RESOLVED that application W06/1126:

- (1) be REFUSED because District-Wide Policy ENV3 of the Warwick District Local Plan 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

PLANNING COMMITTEE MINUTES (Continued)

(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.

The application site relates to one half of a pair of semi-detached properties within a predominantly residential area. In the opinion of the District Planning Authority, the front porch which is supported by two elaborate white rendered columns causes significant harm to the character and appearance of this pair of semi-detached dwellings and the streetscene generally. It is considered that the design and appearance of the columns fails to harmonise with its surroundings and constitutes a visually prominent, incongruous and alien feature which visually harms the property itself and the wider streetscene.

The proposal is thereby considered to conflict with the aforementioned local plan policies; and

- (2) Enforcement action be AUTHORISED to secure the removal of the front porch within 2 calendar months:

361. HIGHWAYS VERGE, TACHBROOK ROAD, BISHOPS TACHBROOK

The Committee considered an application from O2 (UK) Limited for the erection of a 12.5m high telecommunication street column together with two equipment cabinets.

The Head of Planning and Engineering had recommended that the application be approved subject to conditions as he considered that it complied with the following policies:

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

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

SC8 - Telecommunications (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

PPG8 Telecommunications (Government Guidance)

RESOLVED that application W06/1143 TC be APPROVED.

362. LAND OPPOSITE FOSSE WHARF, FOSSE WAY, OFFCHURCH, LEAMINGTON SPA

The Committee considered a report from Planning and Engineering which sought the authorisation of enforcement action with regard to:

1. Material Change of use of stretch of canal side embankment and part of canal to residential use

PLANNING COMMITTEE MINUTES (Continued)

2. Erection of raised wooden decking platform/ mooring on canal side embankment and wooden flight of steps leading from embankment to adjacent land
3. Use of land adjacent to canal side embankment as a mixed use for agriculture and the stationing of two caravans in residential and industrial uses

Following consideration of the officers report and presentation and the information circulated to the Committee in the addendum the Committee felt that they could not make a decision on the matters without visiting the site.

RESOLVED that a decision in relation to possible enforcement action relating to case ENF 112/11/04 be DEFERRED to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when determining the matter.

(The meeting ended at 9.07 pm)