

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 30 April 2008 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

PRESENT: Councillor MacKay (Chairman); Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dhillon, Edwards, Illingworth, Kinson and Rhead.

45. DECLARATIONS OF INTEREST

Minute Number 48 – W08/0091 – 1-7 Abbey End, Kenilworth

Councillor Illingworth declared a personal interest because he knew people involved in the application.

Minute Number 49 – W08/0302 LB – 17 Castle Hill, Kenilworth

Councillor Illingworth declared a personal interest because he knew people involved in the application.

Minute Number 50 – W08/0304 – 17 Castle Hill, Kenilworth

Councillor Illingworth declared a personal interest because he knew people involved in the application.

Minute Number 51 – W08/0124 – 37 Regent Street, Leamington Spa

Councillor MacKay declared a personal interest because an objector was known to him.

Minute Number 54 – W08/0129 – Abbacourt Hotel, 40 Kenilworth Road, Leamington Spa

Councillor Copping declared a personal interest because he had carried out Ward Councillor casework regarding a complaint relating to the empty property.

Minute Number 55 – W08/0130 CA – Abbacourt Hotel, 40 Kenilworth Road, Leamington Spa

Councillor Copping declared a personal interest because he had carried out Ward Councillor casework regarding a complaint relating to the empty property.

Minute Number 58 – W08/0131 – 1 New Street, Leamington Spa

Councillor Blacklock declared a personal interest because the premises were currently used by CORD, a charity she had supported and for which she had helped to raise funds.

Minute Number 65 – W08/0326 – Upper Rowley, Wasperton Lane, Barford,

Councillor Barrott declared a personal interest because he was a resident in the applicants' village.

Councillor Rhead declared a personal interest because he was a Parish and Ward Councillor.

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 66 – W08/0330 – 35 Castle Hill, Kenilworth

Councillor Blacklock declared a personal interest because, as a Ward Councillor, members of the public had contacted her to discuss this application.

Councillor Illingworth declared a personal interest because he knew people involved in the application.

Minute Number 67 – W08/0371 – 1 Park Close, Kenilworth

Councillors Barrott, Blacklock, Bunker, Copping, Dhillon, Edwards, Kinson MacKay and Rhead declared personal interests because the applicant was a Council employee.

46. **MINUTES**

The minutes of the meeting held on 12 March 2008 having been printed and circulated were taken as read and signed by the Chairman as a correct record.

47. **6 JURY STREET, WARWICK**

The Committee considered a retrospective application from Mr M Cook for the retention of a structure with retractable awnings to cover a patio dining area at the rear of the property.

This application was submitted to Committee in order to request that enforcement action be taken.

The Head of Planning considered the following policy to be relevant to the application:

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

In the opinion of the Head of Planning, the canopy and supporting structure were seriously detrimental to the character of the Listed Building and enforcement action was therefore justified in this case.

Further information about the application was circulated in an addendum at the meeting.

The following people addressed the Committee:

Councillor G Guest

Ward Councillor (Supporting)

Following consideration of the officer's report, addendum and presentation along with the submission by the Ward Councillor who had addressed the Committee, the Committee were of the opinion that the application should be refused, in line with the officer's recommendation.

RESOLVED that

- (1) application W07/1482 LB be REFUSED because the proposal relates to a Listed Building and it is considered that the proposal would be seriously detrimental to the character and appearance of the building by reason of its inappropriate bulk and scale of the canopy and its supporting structure in a visible location, thereby conflicting with policy DAP4 of the Warwick District Local Plan (1996-2011); and
- (2) the Head of Legal Services be authorised to take appropriate action to secure removal of the unauthorised development.

48. 1 – 7 ABBEY END, KENILWORTH

The Committee considered an application from Grevayne Properties for the change of use of ground floor units (previously approved under W07/0313) from A1 (retail) to A1 (retail) and mixed A3/A4 uses (café/bar/restaurant).

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

The Committee had visited the site on 26 April 2008 because the Chairman had felt it would be beneficial to the Committee to visit the site before they determined the application.

The application had been included on the Planning Committee agenda for 12 March but had been withdrawn due to the need to await consultation responses from Warwickshire Police and the Council's Community Safety Officer.

The Head of Planning 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)
- DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)
- TCP5 - Secondary Retail Areas (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the proposed development was unlikely to threaten the predominantly retail character of the area. There was a conflict with policy in that the length of non-retail frontage would be over 16m. Given the location and layout of the development, a precise definition of exactly what constituted the frontage was unclear. Frontage onto The Square and Abbey End could be defined as 55% retail if a concrete stairwell was discounted. The proposal was therefore considered to comply with the policies listed.

Further information about the application was circulated in an addendum at the meeting. This included additional comments from Kenilworth Town Council and changes to the description of the proposal.

PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

Councillor Ryan

Town Councillor (Objecting)

Mr S Lawton

Applicant

Following consideration of the officer's report, addendum and presentation, along with the submissions by the public who had addressed the Committee, the Committee were of the opinion that the application should be refused against the officer's recommendation.

RESOLVED that application W08/0091 be REFUSED on the grounds that, given the prominent position of the site and excessive length of retail frontage, it is contrary to Policy TCP5 and the development would not be neighbourly to residential properties in the surrounding area.

49. **17 CASTLE HILL, KENILWORTH**

The Committee considered an application from Mr & Mrs Snowden for the erection of a rear conservatory.

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

The Committee had visited the site on 26 April 2008 because the Chairman had felt it would be beneficial to the Committee to visit the site before they determined the application.

The Head of Planning 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)

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

In the opinion of the Head of Planning, the development would not seriously detract from the Conservation Area and would not unreasonably affect the listed building. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Councillor Ryan

Town Councillor

Following consideration of the officer's report and presentation, along with the submission by the Town Councillor who had addressed the Committee, the Committee were of the opinion that the application should be granted in line with the officer's recommendation. Additionally, the Committee felt that guidance should specify that the wood be painted a dark colour.

RESOLVED that application W08/0302 LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) no development shall be carried out on the site which is the subject of this permission, until details of colour of the paint to be used have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure a high standard of design and appearance for the Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995; and
- (3) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings, and specification contained therein, submitted on 17th April 2008 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.

50. 17 CASTLE HILL, KENILWORTH

The Committee considered an application from Mr & Mrs Snowden for the erection of a rear conservatory.

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

The Committee had visited the site on 26 April 2008 because the Chairman had felt it would be beneficial to the Committee to visit the site before they determined the application.

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

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

In the opinion of the Head of Planning, the development would not seriously detract from the Conservation Area or unreasonably affect the listed building, given the way that the garden landscapes had matured and the proximity of a small detached garden building which had been approved at the same property. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Councillor Ryan

Town Councillor

Following consideration of the officer's report and presentation, along with the submission by the Town Councillor who had addressed the Committee under the previous agenda item, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

RESOLVED that application W08/0304 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) no development shall be carried out on the site which is the subject of this permission, until details of colour of the paint to be used have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995; and

- (3) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings, and specification contained therein, submitted on 17th April 2008 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.

51. 37 REGENT STREET, LEAMINGTON SPA

The Committee considered a retrospective application from Messrs Ltd for change of use to a restaurant, including demolition of the rear part of the building, erection of a single and two storey rear extension & alteration to the front elevation. This was a resubmission of planning application W07/0036. The application before the Committee had previously been included on the agenda for the Planning Committee on 12 March 2008, but it had been withdrawn prior to the meeting following receipt of late evidence from a neighbour regarding the applicant's right of access to the proposed bin store.

The application was submitted to the Committee because of the number of objections received, including an objection from the Royal Leamington Spa Town Council.

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

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

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

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

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

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

DP6 - Access (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

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)

In the opinion of the Head of Planning, the extension did not have a detrimental impact on highway safety, the living conditions of nearby dwellings or retail function of the town centre, and had enhanced the character and appearance of the Conservation Area, constituting an improvement on a large and unsightly utilitarian shed which it had replaced. There was, however, some variation in height between the building on site and the plans presented to the Committee, and also to the detail of the building. Bin storage issues had been addressed. The change of use remained appropriate as circumstances were the same as when permission for the change of use to a restaurant had been granted in March 2007. The proposal was therefore considered to comply with the policies listed.

With regard to public concerns about potential use of the premises as a bar, nightclub or private members club, the Head of Planning pointed out that the recent planning application relating to these uses had been withdrawn and that the current application was for a restaurant only.

Further information about the application was circulated in an addendum at the meeting, including further objections.

The following people addressed the Committee:

Mr G Goddard-Pickett	Objector
Mr M Western	Objector
Councillor Ms Dean	Ward Councillor (Objecting)

Following consideration of the officer's report, addendum and presentation, along with the submissions by the public who had addressed the Committee, the Committee were of the opinion that the application should be refused against the officer's recommendation.

RESOLVED that

- (1) application W08/0124 be REFUSED because of the development's unacceptable mass and bulk within the Conservation Area which is contrary to Policy DAP8; and
- (2) enforcement action be authorised, to ensure compliance with the approved plans.

52. THE NEW BOWLING GREEN INN, 13 ST NICHOLAS CHURCH STREET, WARWICK

The Committee considered an application, re-submission of application W07/1542, from Charles Wells Pub Co for the erection of an external bar servery.

The application was submitted to the Committee because of the number of objections received.

PLANNING COMMITTEE MINUTES (Continued)

The Head of Planning 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)

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

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

In the opinion of the Head of Planning, the development did not adversely affect the amenity of nearby residents and the revised scheme, comprising of a brick built extension with pitched slate roof and simple wooden shutters, was acceptable and not detrimental to the character of the Conservation Area or historic integrity of the Listed Building. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Mr J Turner

Objector

Following consideration of the officer's report and presentation, along with the submission by the objector, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

RESOLVED that application W08/0127 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) 03A, 01A, and specification contained therein, submitted on 31st January 2008 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)

Following consideration of the officer's report and presentation, along with the submission by the person who had addressed the Committee under the previous item, the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

RESOLVED that application W08/0128 LB be GRANTED for the following reasons:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 03A, 01A, and specification contained therein, submitted on 31st January 2008 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of timber shutters, 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 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
- (4) samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

54. ABBACOURT HOTEL, 40 KENILWORTH ROAD, LEAMINGTON SPA

The Committee considered an application from Earplace Limited for the demolition of the existing hotel building with part facade retention and a proposed new three storey extension with part basement to form a new residential care home.

The application was submitted to the Committee because a number of objections had been received including one from the Royal Leamington Spa Town Council.

The Committee had visited the site on 26 April 2008 because the Chairman had felt it would be beneficial to the Committee to visit the site before they determined the application.

The Head of Planning 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)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- GD.7 - Previously-Developed Sites (Warwickshire Structure Plan 1996-2011).
- Managing Housing Supply (Supplementary Planning Document)
- SC10 - Managing Housing Supply (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the proposed development was acceptable in terms of location, access and car parking, would not adversely impact on the residential amenity of nearby neighbours and would positively contribute to the character and appearance of the Conservation Area. The proposal was therefore considered to comply with the policies listed.

Further information about the application was circulated in an addendum at the meeting. This included a further letter of objection and comments from the Environment Agency and the County Council's Highways Department.

The following people addressed the Committee

Mrs M Delfas	Objector
Mr B Davies	Objector
Mr T Malby	Supporter
Councillor De-Lara-Bond	Ward Councillor

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the officer's report, addendum and presentation, along with the submissions by the public who had addressed the Committee, the Committee were of the opinion that the application should be granted in line with the officer's recommendation, with the addition of a condition requiring that basement accommodation remained unoccupied until a flood risk assessment proved that it was safe to use.

RESOLVED that application W08/0129 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 2396-101 Rev B; 2396-102 Rev A; 2396-103 Rev A; 2396-104 Rev A; 2396-105 Rev A and 2396-106 Rev A, and specification contained therein, submitted on 1 February 2007 and 9 April 2008 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 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) prior to the commencement of the development hereby permitted, a detailed structural survey/report demonstrating the method in which the frontages of Kenilworth Road and Woodcote Road are to be supported and refurbished during the demolition, shall be submitted to and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate method of support is exercised to ensure the retention of the frontages onto Kenilworth Road and Woodcote Road, in accordance with the requirements of DAP8 of the Warwick District Local Plan 1996-2011;
- (5) no development shall be carried out on the site which is the subject of this permission, until large scale details of all doors, dormer windows, windows (including a section showing the window reveal, heads and cill details), eaves, verges, boundary walls, bin storage, cycle storage 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 DAP8 of 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;

- (7) 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 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;
- (8) no work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;

- (9) 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. 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;
- (10) prior to the commencement of the development hereby permitted, resurfacing details of Woodcote Road access together with a schedule of works as to when this will take place, how far and how the balance of the road is to be treated shall be submitted and approved in writing by the District Planning Authority. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (11) prior to the commencement of the development hereby permitted 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;
- (12) access for vehicles to the site shall not be made or maintained from any other highway than Woodcote Road. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (13) no more than one access for vehicles shall be made or maintained to the site from the highway Woodcote Road. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (14) the vehicular access for the development hereby permitted shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or ditch. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (15) the development hereby permitted shall not be occupied until an access for vehicles has been provided to the site not less than 5.0 metres or greater than 6.0 metres in width at any point. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (16) the access to the site for vehicles shall not be used unless the highway verge crossing has been laid out and constructed in accordance with the standard specification of 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;
- (17) the development hereby permitted shall not be occupied until all parts of the existing accesses within the public highway Kenilworth Road and highway Woodcote Road have been closed and the kerblines, footways and verges have been reinstated in accordance with the standard specification of 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;

- (18) the development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (19) the proposed car parking area and ambulance space 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. **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;
- (20) the drains in the cul-de-sac (Woodcote Road) during construction shall be kept clear from debris at all times. **REASON:** To prevent flooding in accordance with Policy DP10 of the Warwick District Local Plan 1996-2011;
- (21) the cycle provision shown on the approved plans shall be completed prior to the development hereby permitted is first occupied and thereafter, kept free of obstruction and available for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority. **REASON:** To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (22) no development shall be carried out on site which is the subject of this permission until details of any proposed external street/building lighting has been submitted and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **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; and

- (23) no basement accommodation shall be occupied until a flood risk assessment proves that it is safe to be occupied. **REASON:** To ensure that the occupiers are protected.

55 ABBACOURT HOTEL, 40 KENILWORTH ROAD, LEAMINGTON SPA

The Committee considered an application from Earplace Limited for the partial demolition of the existing hotel building.

The application was submitted to the Committee because a number of objections had been received including one from the Royal Leamington Spa Town Council.

The Committee had visited the site on 26 April 2008 because the Chairman had felt it would be beneficial to the Committee to visit the site before they determined the application.

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

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

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

In the opinion of the Head of Planning, the development was acceptable, retaining a substantial portion of the building facade and incorporating replacement buildings which respected the character and appearance of this part of Kenilworth Road and the immediate Conservation Area. The principle of development had already been established as there was an existing permission which allowed for partial demolition of the building. The Council's Conservation Architect did not raise objection to the application, subject to there being a suitable replacement scheme in place. The proposal was therefore considered to comply with the policies listed.

Further information about the application was circulated in an addendum at the meeting, as noted under the previous item.

Following consideration of the officer's report and presentation, along with submissions by the public who had addressed the Committee under the previous item (the conversion and rebuild proposal of the scheme), the Committee were of the opinion that the application should be granted in line with the officer's recommendation.

RESOLVED that application W08/0130CA 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 hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under W08/0129 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;
- (3) prior to the commencement of the development hereby permitted, a detailed structural survey/report demonstrating the method in which the frontages of Kenilworth Road and Woodcote Road are to be supported and refurbished during the demolition, shall be submitted to and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure an appropriate method of support is exercised to ensure the retention of the frontages onto Kenilworth Road and Woodcote Road, in accordance with the requirements of DAP8 of the Warwick District Local Plan 1996-2011; and
- (4) 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.

56. THE COTTAGE, LAPWORTH STREET, LAPWORTH

The Committee considered an application from Mr J R Mace for the erection of a replacement dwelling.

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

The Head of Planning 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)

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

In the opinion of the Head of Planning, the development satisfied the principle of replacement as the original building was beyond reasonable repair. The original building was not a listed building and had already been substantially altered during the 1970s. The replacement dwelling would be no larger than the existing one, ensuring that its impact on the character and openness of the green belt would not exceed that of the existing building. The proposal was therefore considered to comply with the policies listed.

An addendum was circulated at the meeting which summarised six further letters of objection and a letter in support of the application.

The following people addressed the Committee:

Mrs B A J Baker	Objector
Mr J R Mace	Supporter

Following consideration of the officer's report, addendum and presentation, along with the submissions by the public who had addressed the Committee, the Committee were of the opinion that the application should be granted in line with the officer's recommendation, with the addition of a condition removing permitted development rights for extensions.

RESOLVED that application W08/0299 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, 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) the siting, layout, scale and appearance of the proposed dwelling
 - (b) details of the access arrangements
 - (c) details of landscaping.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 as amended;
- (2) in the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990;
- (3) the development to which this permission relates must be begun not later than
 - 1) the expiration of five years from the date of the grant of outline planning permission, or
 - 2) if later 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;
- (4) the development hereby permitted shall be carried out strictly in accordance with the details of the application, and specification contained therein, submitted on 29 February 2008, 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;

- (5) 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;
- (6) 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. 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;
- (7) the existing dwelling shall be demolished in its entirety and all materials removed from the site within one calendar month of occupation of the replacement dwelling hereby permitted. **REASON:** Since the new dwelling hereby permitted is as a replacement only, in accordance with policy RAP3 of the Warwick District Local Plan 1996-2011;
- (8) the replacement dwelling shall not be materially larger than the existing dwelling. **REASON:** To ensure that the openness of the Green Belt is protected, and to satisfy the requirements of Policy RAP3 of the Warwick District Local Plan 1996-2011; and

RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday 1 May 2008 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT: Councillor MacKay (Chairman); Councillors Barrott, Mrs Bunker, Copping, Dhillon, Edwards, Illingworth, Kinson and Rhead.

An apology for absence was received from Councillor Mrs Blacklock

60. **WOOD CORNER FARM, BIRMINGHAM ROAD, WROXALL**

The Committee considered an application from Mr & Mrs R Hodges for alterations to a barn to form a single dwelling (a change to a previously approved scheme) and re-use of an existing building to provide a garage and domestic storage.

The application was submitted to the Committee because objections had been received from Baddesley Clinton Parish Council and Beusale, Haseley, Honiley and Wroxall Joint Parish Council.

The Head of Planning 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)

SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District Local Plan 1996 - 2011)

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

In the opinion of the Head of Planning, the changes to the details of the conversion of the barns buildings which had previously been approved did not raise any issues which would lead to a refusal of permission and refusal on the grounds of footpath protection could not be justified. 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 line with the officer's recommendation.

RESOLVED that application W08/0081 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) ROC\408\PD\001, 003A, 004, 008, 009, 010,& 012A and specification contained therein, submitted on 18 January and 1 April 2008, unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To ensure that the rural character and appearance of the barn is protected, in accordance with Policy RAP8 of the Warwick District Local Plan 1996-2011;
- (4) before any work in connection with the development hereby permitted is commenced on site, detailed plans and specifications of screenwalls/fences shall be submitted to and approved in writing by the District Planning Authority. The approved screenwalls/fences shall be constructed in the positions shown on the said plan before the buildings hereby permitted are occupied and shall thereafter be maintained in those positions unless otherwise agreed in writing 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;

PLANNING COMMITTEE MINUTES (Continued)

- (5) a landscaping scheme (including details of the surfacing of the courtyard area to the south of the main barn) 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. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (6) details of the proposed means of access to the unclassified road 5059 shall be submitted to, and approved by the District Council before development hereby approved is begun. The development hereby permitted shall not be brought into use until the proposed access has been constructed in strict compliance with such approved details. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (7) no development shall be carried out on the site which is the subject of this permission, until details of arrangements for the disposal of foul and surface water 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 protect the water environment, in accordance with policy DP1 of the Warwick District Local Plan 1996-2011;
- (8) 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;

- (9) the garaging shown on the plans hereby approved shall be retained and kept available for such purposes and shall not be altered either internally or externally without the prior consent of the District Planning Authority. **REASON:** To ensure that there are adequate parking facilities to serve the development, in accordance with the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (10) notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON:** To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policy RAP7 of the Warwick District Local Plan 1996-2011;
- (11) the development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (12) this permission authorises the repair and conversion of the existing building for use as a garage and does not authorise its demolition and replacement. **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.

61. 20 THE FAIRWAYS, LEAMINGTON SPA

The Committee considered an application from Mr P O'Sullivan for the erection of a single storey side & two storey rear extension.

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

In the opinion of the Head of Planning, the development would sit comfortably within the plot and the general street scene, and would not significantly harm the amenities of adjacent properties. 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 line with the officer's recommendation.

RESOLVED that application W08/0165 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 001A, and specification contained therein, submitted on 2nd April 2008 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.

62. **24 KENILWORTH ROAD, LEAMINGTON SPA**

The Committee considered an application from Mr S Gill for the conversion of the lower ground floor to 4 additional habitable rooms, with a new external entrance door and steps leading down, together with enlarged lightwells.

PLANNING COMMITTEE MINUTES (Continued)

The application was submitted to the Committee because a request had been received from Councillor Ms De-Lara-Bond.

The Head of Planning 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)

Vehicle Parking Standards (Supplementary Planning Document)

In the opinion of the Head of Planning, the development would not cause harm to the character or appearance of the Conservation Area, would not be detrimental in terms of parking or impact on neighbouring amenity, and had adequate bin storage. 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 against the officer's recommendation.

RESOLVED that application W08/0202 be REFUSED because over-intensive use of the site was likely to exacerbate parking problems in the area, the site has limited existing amenity space and the development is contrary to policies DP1, DP2, DP8 and DAP8.

63. **5 BEALE CLOSE, BISHOPS TACHBROOK, LEAMINGTON SPA**

The Committee considered an application from Mr T Kadlubowski for the erection of a single storey extension to the rear of the property.

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

The Head of Planning 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)

In the opinion of the Head of Planning, the development would not adversely impact on the street scene or the character of the residential area, or increase harm to the outlook of neighbouring properties. 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 line with the officer's recommendation.

RESOLVED that application W08/0251 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 1016/1 and 1016/2, and specification contained therein, submitted on 21st February 2008 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.

64. **LAND ADJACENT 2 HOLLY COTTAGES, HIGH CROSS LANE, ROWINGTON, WARWICK**

The Committee considered a retrospective application from Ms A Hawkes for the erection of two stable blocks and a barn with a hardcore area for access.

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

The Head of Planning 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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the development was of an appropriate scale, having no great visual impact on the adjoining traditional buildings, being well screened from the surrounding roads and therefore not impacting on the openness of the Green Belt. It was felt that there was sufficient justification for the number of stables and the barn, but as the main pasture was only held on a five year lease, it was considered that the buildings should only have a temporary permission since, if the lease was not renewed, there would then be no justification for them. 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 granted in line with the officer's recommendation.

RESOLVED that application W08/0296 be GRANTED subject to the following conditions:

- (1) this permission shall be limited to a period of time expiring on 30 April 2013. The buildings shall be removed and the site restored to its former condition at or before the expiration of the period specified in this permission. **REASON:** The buildings are for use in association with grazing land that is in part held on a short term lease. Given the policy framework for green belt areas which advises that only essential facilities genuinely required for use in connection with outdoor recreation use are appropriate, a time limited permission to accord with the lease period is considered necessary in this case and to grant consent on a permanent basis would not be appropriate;
- (2) the original stable block (granted under plan ref. W96/0836) shall be used for storage only and not as stables for the accommodation of horses. **REASON:** Since there is only grazing land for 5 horses and, therefore, the retention of these stables would not be essential for the use of the land and would be contrary to Policy DAP1 of the Warwick District Local Plan 1996-2011; and
- (3) the stables hereby permitted shall only be used for purposes in connection with and incidental to the use of the land for grazing purposes and shall not be used for the purposes of a livery or riding school or any other commercial purposes. **REASON:** To protect the rural character of the area, and to satisfy this requirement of Policy RAP9 of the Warwick District Local Plan 1996-2011.

(Councillor Rhead left at the conclusion of this item)

65. **UPPER ROWLEY, WASPERTON LANE, BARFORD**

The Committee considered an application from Mr A Bethell for the erection of single storey and two storey extensions, a dormer window and additional brick skin to the front and sides of the property.

PLANNING COMMITTEE MINUTES (Continued)

The application was submitted to the Committee because an objection had been received from Barford, Sherbourne and Wasperton Joint Parish Council.

The Head of Planning 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)

RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the development would not substantially alter the scale and character of the existing dwelling, to the extent that the openness of this part of the rural area would be substantially harmed, given the impact of existing extensions on the property and the changes to the roof which could be carried out without consent. The proposal was therefore considered to comply with the policies listed.

The Committee considered further information contained within the officers addendum from WCC Ecology, including a condition requiring a bat survey.

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

RESOLVED that application W08/0326 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) (.12E, 14D, .15C, .16, .17, .18, .19), and specification contained therein, submitted on 4 March 2008 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 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.

66. 35 CASTLE HILL, KENILWORTH

The Committee considered an application from Mr and Mrs T N Grinnell for the demolition of existing extensions and out buildings and erection of extensions to sides and rear.

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

The Committee had visited the site on 26 April 2008 because the Chairman had felt it would be beneficial to the Committee to visit the site before they determined the application.

The Head of Planning 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)

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)

In the opinion of the Head of Planning, the development as now proposed represented a sensitive proposal which would harmonise with its surroundings, not detracting from the overall character of the Conservation Area or the setting of the Castle. The proposal was therefore considered to comply with the policies listed.

The Committee considered further information contained within the officers addendum from English Heritage.

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

RESOLVED that application W08/0330 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.2359/301 and 2359/303 submitted on 4 March 2008; 2359/302 Revision A submitted on 14 April 2008), 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) no development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the District Planning Authority. **REASON:** To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy DP4 of the Warwick District Local Plan 1996-2011; and
- (4) the tiles 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.

(Councillor Dhillon left after the conclusion of this item)

67. 1 PARK CLOSE, KENILWORTH

The Committee considered an application from Mr A Adams for the erection of a single storey garage and kitchen extension.

PLANNING COMMITTEE MINUTES (Continued)

The application was submitted to the Committee because the applicant was an employee of Warwick District Council.

The Head of Planning 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)

In the opinion of the Head of Planning, the development would have no adverse impact on Park Close or cause loss of light, outlook or privacy to neighbouring properties. 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 line with the officer's recommendation.

RESOLVED that application W08/0371 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings , and specification contained therein, submitted on 13th March, 2008 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.

68. **MOUNTFORD FARM, CHURCH LANE, LAPWORTH, SOLIHULL**

The Committee considered an application from Mr M G Harries for the conversion of attic space to accommodation (bedroom, dressing room and bathroom).

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

PLANNING COMMITTEE MINUTES (Continued)

The Head of Planning 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)

RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the development would not unreasonably affect the character or bulk of the dwelling. 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 line with the officer's recommendation.

RESOLVED that application W08/0379 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. 0733/02 Rev B, and specification contained therein, submitted on 14th March 2008 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of the dormer window (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 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
- (4) before any works are 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.

69. MOUNTFORD FARM, CHURCH LANE, LAPWORTH, SOLIHULL

The Committee considered an application from Mr M G Harries for the conversion of attic space to accommodation (bedroom, dressing room and bathroom).

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

The Head of Planning 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)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the proposed alterations would not unreasonably affect the character of the listed building. 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 granted in line with the officer's recommendation.

RESOLVED that application W08/0381LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing no. 0733/02 Rev B, and specification contained therein, submitted on 14th March 2008 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) no development shall be carried out on the site which is the subject of this permission, until large scale details of the windows, rooflights and dormer window (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 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

- (4) 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.

70. CHAPEL HAVEN, NARROW LANE, LOWSONFORD, SOLIHULL

The Committee considered an application from Mr & Mrs M Taylor for the erection of a side entrance porch/lobby, side dormer and brick pier. This was a proposed amendment to a scheme previously approved in February 2006.

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

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

- DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
- RAP2 - Extensions to Dwellings (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the design changes to the extensions did not change the previous approval to an extent which would conflict with key objectives of policy, and the alteration to the dormer would not be disproportionate to the original dwelling, having no material impact on its character and bulk. 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 line with the officer's recommendation.

RESOLVED that application W08/0405 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. 2259 III/3 Rev B + /4, and specification contained therein, submitted on 19th March 2008 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.

71. QUARTERLY PLANNING APPLICATION PERFORMANCE

The Committee received a report from the Head of Planning detailing development control performance statistics for the period October - December 2007.

The Department for Communities and Local Government (CLG) regularly published performance statistics for development control which were reported to the Planning Committee on a quarterly basis, providing feedback on performance against government targets. Previous statistics had been reported at the 9 January 2008 meeting of the Committee.

Statistics related to national best value performance indicators BV 109 (a), (b), and (c).

The relevant government targets for these indicators were:

BV109(a) - % of major planning applications decided in 13 weeks – 60%

BV109(b) - % of minor planning applications decided in 8 weeks – 65%

BV109(c) - % of other planning applications decided in 8 weeks – 80%

RECOMMENDED that

- (1) performance figures for this quarter be noted; and
- (2) the planning department be congratulated on the excellent results.

PLANNING COMMITTEE MINUTES (Continued)

72. APPEAL PERFORMANCE QUARTER 4 - 0708

The Committee considered a report from the Head of Planning which provided information on appeal decisions received during the fourth quarter of 2007-2008.

RECOMMENDED that the report be noted.

73. THANKS

The Chairman thanked the Committee for their efforts during the year especially during some long and difficult meetings.

The Vice Chairman on behalf of the Committee thanked the Chairman of the Committee for his work during the year.

The Committee recorded their thanks to the Planning, Legal and Committee Services staff who had assisted them during the year to ensure the Committee ran smoothly.

(The meeting ended at 8.55pm)