

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 16 September 2009 in the Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT: Councillor MacKay (Chairman): Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dean, Mrs Higgins, Illingworth, Kinson and Rhead.

91. DECLARATIONS OF INTEREST

Minute Number 95 – W09/0680 & Minute Number 96 – W09/0681 CA – 5a
Avon Close, Barford

Councillor Rhead declared a personal and prejudicial interest because the site of the application was his neighbouring property and he left the room during both items.

Councillor Barrott declared a personal interest because he lived in the Parish of the application site.

Minute Number 99 - W09/0752 – Warwick Hospital, Lakin Road, Warwick

Councillors Barrott, Copping and Dean declared personal interests because they were Members of the South Warwickshire NHS Foundation Trust.

Councillor Mrs Bunker declared a personal interest because she had been appointed as a Governor by Warwick District Council as the Council's representative.

Councillors Mrs Higgins and Kinson both declared personal interests because the application site was within their Ward.

Councillor Mrs Blacklock declared a personal interest because she had been involved in liaison meetings with Warwick Hospital.

Minute Number 100 - W09/0736 – 76 Cape Road, The Cape, Warwick

Councillors Mrs Higgins and Kinson both declared personal interests because the application site was within their Ward.

Minute Number 101 - W09/0827 – 4 Moss Grove, Kenilworth

Councillor Mrs Blacklock declared a personal interest because she knew the objectors.

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

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 104 - W09/0999 – 1-12 St Margarets House, Church Close, Whitnash

Councillor Barrott declared a personal and prejudicial interest because one of the residents was a long standing family friend and left the room whilst the item was considered.

Minute Number 106 – TPO 395 – Odibourne Allotments, Lower Ladyes Hills, Kenilworth

Councillors Mrs Blacklock and Mrs Bunker declared personal interests because they knew many of the Allotment Association members, who were objecting as a body and as individuals to the TPO proposal

Councillor Illingworth declared a predetermined interest because he had expressed his views of objection publicly

Minute Number 107 - W09/0187 – Hatton Country World, Dark Lane, Hatton, Warwick

Councillor Barrott declared a personal interest because his wife was an employee of the applicant.

Minute Number 110 - W09/0841 – 2 Castle Hill, Kenilworth

Councillor Mrs Blacklock declared a personal interest because she knew the objector/neighbour.

Minute Number 112 - W09/0903 – 27 High Street, Barford, Warwick

Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dean, Mrs Higgins, Illingworth, Kinson and MacKay all declared personal interests because the applicant was a fellow Warwick District Councillor.

Councillor Rhead declared a personal and prejudicial interest because he was the applicant.

Minute Number 113 – A45-A46 Tollbar End Improvement Scheme, Use of Runway 05 'undershoot'

Councillor MacKay declared a personal interest because he was Ward Councillor and had previously been involved in discussions about the application site.

92. **MINUTES**

The minutes of the meeting held on 18 August 2009 were confirmed as a correct record.

PLANNING COMMITTEE MINUTES (Continued)

93. W09/0351 – WALNUT TREE PH, CROWN WAY, CUBBINGTON ROAD, LEAMINGTON SPA

The Committee considered an application from Tesco Stores Ltd for the erection of a 42 sq m single storey rear extension and a change of use of the first floor to a residential use (Class C3).

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

The application was considered by the Planning Committee at the meeting on 29 July 2009 when it was deferred to obtain further information on delivery arrangements, in particular clarification of the 'swept paths' of HGV movements and the loss of the existing turning facility (shown as removed on the submitted layout plan).

The report had been amended to include details of the representations received and the assessment previously included in the report to Planning Committee on 29 July 2009 on application W09/0349 which also related to proposed development on the same site. The details of the applicant's agent responded to the request for further information which was attached at Appendix 1 to the report. Appendix 2 to the report was the letter of objection from the 'Save the Walnut Tree Pub Group' which was previously included on the agenda of the Planning Committee on 29 July 2009. Tesco had amended the layout of the car park in order to achieve safe manoeuvring.

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

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

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

DP6 - Access (Warwick District Local Plan 1996 - 2011)

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

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

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

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

UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)

Relevant Government Guidance is contained in PPS6, Planning for Town Centres.

The case officer was of the opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of its impact on the amenity of neighbours or the retail vitality and viability of either Leamington Spa town centre or Crown Way local centre which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Mrs J Padginton Objector

Mr M Roe Supporter

PLANNING COMMITTEE MINUTES (Continued)

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

RESOLVED that application W09/0351 be GRANTED subject to the following conditions and subject to the terms of lighting being bought back to the Committee for approval:

- (1) The development hereby permitted must be begun not later than the expiration of three years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos. 3603/(P)101/App(iv), /(P)201/App(iv), /(P)501/App(v) and GC/31384.001/C and details as contained in the application submitted on 20th April 2009 as amended by the applicants agents letters dated 1st July 2009 and 19th August 2009, unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (4) Before the single storey extension hereby permitted is first brought into use, the first floor of the building shall have been converted into a separate flat as shown on the approved plans and thereafter the first floor shall be used solely for residential purposes. **REASON** : To ensure a satisfactory form of development and to ensure the total floor area of the building in retail use does not exceed that as shown on the approved plans in accordance with the provisions of Policies DP1, DP2 and UAP3 in

PLANNING COMMITTEE MINUTES (Continued)

the Warwick District Local Plan, 1996-2011;

- (5) Before the first floor flat hereby permitted is first occupied, the existing play equipment within the area identified on the approved plan as 'flat garden' shall be removed. **REASON** : To protect the amenity of the adjacent residents in accordance with the provisions of Policies DP1 and DP2 in the Warwick District Local Plan 1996-2011;
- (6) The landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. Any trees/shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees/shrubs 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;
- (7) No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (8) No external lighting or sound amplification or tannoy system shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the District Planning Authority. **REASON** : To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy DP9 of the Warwick District Local Plan 1996-2011;
- (9) Before the single storey extension hereby permitted is first brought into use, the two sheds shown on the approved site plan to be demolished shall be demolished and thereafter,

PLANNING COMMITTEE MINUTES (Continued)

no materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (10) Before the single storey extension hereby permitted is first brought into use, the service bay shown on the approved site plan shall be screened by a 2m high solid timber fence, the design and siting of which shall have been first submitted to and approved in writing by the District Planning Authority. The fence shall be installed strictly as so approved and shall thereafter be retained in position at all times. **REASON** : To protect the amenity of adjacent residents in accordance with the provisions of Policy DP21, DP2 and DP9 of the Warwick District Local Plan 1996-2011;
- (11) Before the single storey extension hereby permitted is first brought into use, the car park, including the cycle parking facility, footpaths and pedestrian routes, disabled parking spaces and residents car parking space, shall be laid out strictly as shown on the approved site plans and shall thereafter be retained available as such at all times. **REASON** : To ensure a satisfactory site layout is provided to meet the requirements of Policy DP1, DP2 and DP8 of the Warwick District Local Plan 1996-2011;
- (12) The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's 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;

PLANNING COMMITTEE MINUTES (Continued)

- (13) The delivery of goods to the retail unit on this site and the removal of refuse from it shall only occur between the hours 7.30 – 8.00 am; 9.30 – 1.00 pm Monday to Friday, 0800 to 1800 hours on Saturdays and 0900 to 1800 hours on Sundays and Bank Holidays. All refrigeration plant on stationary delivery vehicles within the application site shall be switched off at all times. **REASON** : To protect the amenity of the adjacent residents in accordance with the provisions of Policies DP1, DP2 and DP9 in the Warwick District Local Plan 1996-2011;
- (14) The retail unit on this site shall only be open to the public between the hours of 0600 and 2300 hours. **REASON** : To protect the amenity of the adjacent residents in accordance with the provisions of Policy DP1, DP2 and DP9 in the Warwick District Local Plan 1996-2011; and
- (15) Before the development hereby permitted is commenced, a scheme for both the marking of the proposed service vehicle turning area and the provision of lockable bollard's at its entrance to ensure it is retained available at all times for the manoeuvring of service vehicles shall be submitted to and be approved in writing by the District Planning Authority. The approved scheme shall be wholly implemented as so approved before the extension hereby permitted is first brought into use and shall thereafter be retained in position as so approved at all times. **REASON**: In the interests of highway safety in accordance with the requirements of Policies DP6 and DP7 in the Warwick District Local Plan 1996-2011.

94. W09/0769 – 16 THE APPROACH, LEAMINGTON SPA

The Committee considered an application from Mr Pierson for the erection of a single storey side extension.

The application was presented to the Committee because of the level of neighbour objections and because an objection from Royal Leamington Spa Town Council had been received. Consideration of the application was deferred by Planning Committee at the meeting on 18 August 2009 to enable a Member's site visit to be undertaken. The report had been previously presented to the Committee, although it was revised to refer to the amended plans which had been received.

PLANNING COMMITTEE MINUTES (Continued)

The case officer 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)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

The following people addressed the Committee:

Mr Z Atwal Objector

Ms P Clarke Supporter

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

RESOLVED that application W09/0769 be GRANTED subject to the following conditions with an advisory note to state that the front driveway to be of a permeable surface:

- (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 (drawing number 02D), and specification contained therein, submitted on 26 August 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

95. W09/0680 - 5A AVON CLOSE, BARFORD

The Committee considered an application from Mr & Ms Tubman for the erection of a replacement two storey dwelling.

The application was presented to the Committee because an objection had been received from Barford, Sherbourne and Wasperton Joint Parish Council. The application was deferred at Planning Committee on the 18 August 2009, to enable a site visit to take place on 12 September 2009.

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

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

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

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

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

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

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

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

The following people addressed the Committee:

Councillor J Murphy Parish Council (Objecting)

Mr L Tubman Applicant

Mr L Greenwood Agent

Councillor Mrs Sawdon Ward Councillor (Objecting)

The application was considered in conjunction with application W09/0681CA (Minute Number 96), which was the next item on the agenda. Therefore, the public speakers who addressed the Committee with regard this application also made their comments in relation to that application and only addressed the Committee once.

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

RESOLVED that application W09/0680 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

PLANNING COMMITTEE MINUTES (Continued)

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) (7580/Site Plan 1; 7580/6), and specification contained therein, submitted on 9 June 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) 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) The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development hereby permitted shall not be first occupied until the installation of the solar panels shown on the approved plans has been completed and thereafter the panels shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON** : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011;
- (5) 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

PLANNING COMMITTEE MINUTES (Continued)

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;

- (6) The bat loft shown on the approved plans, and detailed in the bat survey report, shall be constructed in accordance with the details laid out in the bat survey report. **REASON**: To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (7) A Eucalyptus tree to be replanted at the front of the dwelling after the development has been completed; and
- (8) Permitted Development rights be removed for extensions on the property.

96. W09/0681CA - 5A AVON CLOSE, BARFORD

The Committee considered an application from Mr & Ms Tubman for the demolition of an existing bungalow.

The application was presented to the Committee because an objection had been received from Barford, Sherbourne and Wasperton Joint Parish Council with regard to the concurrent application for the erection of a replacement dwelling (W09 0680). The application was deferred at Planning Committee on the 18 August 2009, to enable a site visit to take place on 12 September 2009.

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

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

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

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

The following people addressed the Committee:

Councillor J Murphy	Parish Council (Objecting)
Mr L Tubman	Applicant
Mr L Greenwood	Agent

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Councillor Mrs Sawdon Ward Councillor (Objecting)

This application was considered in conjunction with application W09/0680 (Minute Number 95), which was the previous item on the agenda. Therefore, the public speakers who addressed the Committee with regard that application also made their comments in relation to this application and only addressed the Committee once.

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

RESOLVED that application W09/0681CA 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; and
- (2) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under planning application reference W/09/0680 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.

97. **W09/0846LB – WARWICK CASTLE, CASTLE HILL, WARWICK**

The Committee considered an application from Warwick Castle Ltd for the removal of 2 no. island beds and planting in the conservatory and replaced with a boarded floor.

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

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

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

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

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

DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the proposed development would not adversely affect the historic integrity, character or setting of the listed building

PLANNING COMMITTEE MINUTES (Continued)

and is of an acceptable standard of design and detailing. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Mrs C Hodgetts CAAF (Objecting)
Mr R Melville Supporter

It was proposed and duly seconded that the item be deferred to allow the Committee to undertake a site visit. The motion was lost with 4 votes in favour, 5 against and 1 abstention. Another motion was then proposed and duly seconded to grant the application as per the recommendations. Again, the motion was lost with 2 votes in favour and 8 against.

Following consideration of the officer's report, presentation and the representations made by CAAF and the supporter, the Committee were of the opinion that the application should be refused, contrary to the officer's recommendation. This motion was carried by 8 votes in favour and 2 against.

RESOLVED that application W09/0846LB be REFUSED because it contravenes planning policy DAP4 and DAP11 and was deemed seriously detrimental to the historic character and appearance of the grade II* listed building.

98. W09/0693 – LIDL, MYTON ROAD, WARWICK

The Committee considered an application from Lidl UK GMBH to vary conditions 13 (delivery hours) and 20 (refrigeration on delivery lorries to be switched off) of planning permission W07/0267.

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

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

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the proposals as amended were considered to protect the amenities of residents and to not materially impact upon local traffic conditions. The proposals were therefore considered to comply with the policies listed.

The following people addressed the Committee:

Ms L Williams Objector
Ms W Hurst Supporter

Following consideration of the officer's report and presentation and the representations made by the Objector and Supporter, the Committee were of

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the opinion that the application should be granted, in accordance with the officer's recommendation with amendments to each condition.

RESOLVED that application W09/0693 to vary conditions of planning permission W07/0267 be GRANTED to state as follows:

Condition 13:

No deliveries shall take place between the hours:
Monday to Friday: midnight to 0930, 1530 to 1630, and 2000 to midnight; Saturday: midnight to 0800 and 1800 to midnight; Sunday: midnight to 0900 and 1800 to midnight. **REASON:** To protect the amenities of surrounding properties, and to ensure safe traffic conditions, in accordance with policies DP1 and DP2 of the Warwick District Local Plan 1995-2011; and

Condition 20:

The engines of all delivery lorries shall be switched off within 5 minutes of the lorry parking within the delivery bay. **REASON:** To protect the amenities of surrounding properties, in accordance with policies DP1 and DP2 of the Warwick District Local Plan 1995-2011.

99. **W09/0752 – WARWICK HOSPITAL, LAKIN ROAD, WARWICK**

The Committee considered an application from South Warwickshire NHS Trust for the erection of a new two storey ward block at Warwick Hospital.

The application was presented to Committee because of the number of objections received. The Committee visited the site on 12 September 2009 because the Chairman thought it would be beneficial to them when determining the application.

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

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development achieved acceptable standards of layout and design and would not give rise to any harmful effects in terms of noise, disturbance, overlooking, and loss of privacy and visual

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intrusion which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Mrs P Cronin Objector
Councillor Dhillon Ward Councillor (Objecting)

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

RESOLVED that application W09/0752 be GRANTED subject to the following conditions and a supplementary advisory note to include details of the consultation with Green Lane residents to be submitted with a landscape scheme; and details of blinds and obscure glazing to prevent overlooking:

- (1) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 6720-4-007, 6720-4-001, 6720-4-002, and specification contained therein, submitted on 18th June 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (2) Within 3 months of the date of this permission 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. To also include a scheme of maintenance for landscaping. 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

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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;

- (3) Within 3 months of the date of this permission a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's 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;
- (4) Within 3 months of the date of this permission details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority and the development shall not be carried out other than in strict accordance with such approved details. **REASON :** To ensure satisfactory provision is made for the disposal of storm water and foul sewage and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011;
- (5) Noise arising from any plant or equipment at these premises , when measured one metre from the façade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB(A),(measured as LAeq(5 minutes) if the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete 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; and

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- (6) A Travel Plan comprising the following details shall be submitted to and approved in writing by the District Planning Authority, in consultation with the Highway Authority, within 3 months of the date of the first occupation of the development hereby approved and should include the following:-
- (i) a target for the proportion of employees who will travel by means other than single car occupancy;
 - (ii) a strategy for achieving the target(s);
 - (iii) a management programme;
 - (iv) a process for monitoring the process towards achieving the target(s); and
 - (v) measures should targets not be achieved.
- Thereafter the use of the site shall operate in strict accordance with the approved Travel Plan, unless otherwise agreed in writing by the District Planning Authority, in consultation with the Highway Authority. **REASON:** To satisfy the aims of PPG13 in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site.

100. W09/0736 – 76 CAPE ROAD, THE CAPE, WARWICK

The Committee considered an application from Mr & Mrs Woolvin for the erection of a dwelling house.

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

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

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

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

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

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

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

The following people addressed the Committee:

Ms D Jones Objector

Ms S Cox Objector

Mr Woolvin Applicant

Councillor Dhillon Ward Councillor (Objecting)

PLANNING COMMITTEE MINUTES (Continued)

It was proposed and duly seconded that the application be granted in line with the recommendation; However, this motion was lost with 3 votes in favour and 7 against.

Following consideration of the officer's report, presentation, information contained within the addendum and the representations made by the Objectors, Applicant and Ward Councillor, the Committee were of the opinion that the application be refused contrary to the officer's recommendation.

RESOLVED that application W09/0736 be REFUSED because the proposed dwelling would appear as a cramped form of infill and be detrimental to the street scene and it would constitute an unneighbourly form of development by reason of the substantially reduced private amenity space to No 76 Cape Road, despite the change in design. The development would also be detrimental to the neighbouring property at No. 78 as they had now developed their property since the 2005 application.

101. W09/0827 – 4 MOSS GROVE, KENILWORTH

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (Supplementary Planning Guidance)

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

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

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

DP6 - Access (Warwick District Local Plan 1996 - 2011)

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

UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

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

The following people addressed the Committee:

Mr A Wheeldon Objector

PLANNING COMMITTEE MINUTES (Continued)

Mr M Pilkington Agent/Applicant

Following consideration of the officer's report, presentation, information contained within the addendum, the representations made by the Objector and the Agent/Applicant, the Committee were of the opinion that the application should be deferred to allow for a site visit.

RESOLVED that application W09/0827 be DEFERRED to allow for a site visit to take place.

102. W09/0830 – 188 WARWICK ROAD, KENILWORTH

The Committee considered an application from Mr N Thompson for the change of use from a commercial office use (Use Class B1) to a residential use (Use Class C3).

The application was presented to Committee because a comment of support from Kenilworth Town Council had been received, and the recommendation was to refuse.

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

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

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

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

The following people addressed the Committee:

Mr N Thompson Applicant

Following consideration of the officer's report, presentation and addendum, the representations made by the Applicant, the Committee were of the opinion that the application should be granted contrary to the officer's recommendation.

RESOLVED that application W09/0830 be GRANTED because it was not within an employment area and because it was naturally a residential property which, in time, could easily be reverted back to into business use if required.

103. ADJOURNMENT OF MEETING

The Chairman adjourned the meeting of Wednesday 16 September 2009 to Thursday 17 September 2009 at 6.00pm.

(The meeting adjourned at 10.40pm)

RESUMPTION OF THE ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday 17 September 2009 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PLANNING COMMITTEE MINUTES (Continued)

PRESENT: Councillor MacKay (Chairman): Councillors Barrott, Mrs Blacklock, Mrs Bunker, Copping, Dean, Mrs Higgins, Kinson, Illingworth and Rhead.

104. W09/0999 – 1-12 ST MARGARETS HOUSE, CHURCH CLOSE, WHITNASH

The Committee considered an application from Jephson Housing Association Group for the proposed replacement of existing timber windows, to all flats with PVC timber effect double glazed windows of the same design and colour, as existing.

The application was presented to Committee because Councillor Kirton had requested it.

The case officer 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)

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

Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)

The following people addressed the Committee:

Councillor B Kirton Ward Councillor (Supporting)

Following consideration of the officer's report, presentation and the representations made by the Ward Councillor, the Committee were of the opinion that the application should be granted contrary to the officer's recommendation.

RESOLVED that application W09/0999 be GRANTED with the following conditions:

- (1) Standard 3 year condition;
- (2) Permission to relate to approved drawings;
- (3) No window shall be replaced until a contract for the contemporaneous replacement of all windows in the building has been let; and
- (4) Colour and finish to be agreed, design of each window to be submitted.

Reason to grant: The proposal would not cause such harm as to merit refusal on this particular building.

105. W09/0874 – 30 RIVERSLEIGH ROAD, MILVERTON, LEAMINGTON SPA

The Committee considered an application from Mr & Mrs Sharpe for the erection of a two storey front extension.

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

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

RESOLVED that application W09/0874 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 30RR/002; 30RR/003; 30RR/004 and 30RR/005 and specification contained therein, submitted on 14 July 2009; 18 August 2009 and 24 August 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON**: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

106. **TREE PRESERVATION ORDER 395 – ODIBOURNE ALLOTMENTS, LOWER LADYES HILLS, KENILWORTH**

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered a report from that sought the confirmation of the provisional TPO 395 for one individual ash tree.

The following people addressed the Committee:
Councillor G Illingworth District Councillor (Objecting)

Following consideration of the officers' report and presentation, the information contained within the addendum and the representations made by the District Councillor, the Committee were of the opinion that the application for TPO 395 should not be confirmed contrary to the officer's recommendation.

RESOLVED that TPO 395 be NOT CONFIRMED contrary to the officer's recommendation for the following reasons:

- siting on river bank causes flood risk
- Royal Horticultural Society gave expert evidence that the tree is not suited to site
- detrimental to adjoining allotments

107. W09/0187 – HATTON COUNTRY WORLD, DARK LANE, HATTON

The Committee considered an application from Hatton Country World for the erection of extensions to the existing indoor play barn, restaurant and retail area, the erection of a covered walkway, the erection of a covered pergola, the erection of a canopy, the demolition of buildings /structures, the formation of a car park, the change of use from car park to restricted retail, and landscaping to the site.

The application was presented to the Committee for decision because of the unusual nature of the proposals and the location of the site within the Green Belt. The Committee visited the site on 12 September 2009 because the Chairman thought it would be beneficial to them when determining the application.

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

- SSP8 - Hatton Country World (Warwick District Local Plan 1996 - 2011)
 - DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
 - DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
 - DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
 - DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
 - DP8 - Parking (Warwick District Local Plan 1996 - 2011)
 - RAP10 - Safeguarding Rural Roads (Warwick District Local Plan 1996 - 2011)
 - RAP12 - Farm Shops (Warwick District Local Plan 1996 - 2011)
 - RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)
 - RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
 - RAP8 - Replacement of Rural Buildings (Warwick District Local Plan 1996 - 2011)
 - RAP9 - Farm Diversification (Warwick District Local Plan 1996 - 2011)
- Supplementary Planning Guidance for Hatton Country World 2000

PLANNING COMMITTEE MINUTES (Continued)

The case officer was of the opinion that, in the very special circumstances put forward as part of the application and taking into account the planning history of the site, it was considered that the proposals did not have a material impact on the openness of the Green Belt, and had no material impact on shopping policy. Furthermore, the proposals were considered satisfactory in terms of the standard of layout and design and measures to deal with transport issues. The proposals were therefore considered to not materially prejudice the policies listed.

Following consideration of the officer's report and presentation and the 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 W09/0187 be GRANTED subject to the following conditions and a S106 Agreement to be brought back to Committee, which includes a wider use of travel plan to be investigated and incorporated into the S106:

- (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 C0814-08C, -09D, -11H, -13C, -18A, -19, -20B, -21A, and -22A and specification contained therein, submitted on 26 February 2009, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) A landscaping scheme, 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

PLANNING COMMITTEE MINUTES (Continued)

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;

- (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 that the rural character and appearance of the rural buildings is protected, in accordance with Policy RAP7 of the Warwick District Local Plan 1996-2011;
- (5) Prior to the commencement of the development hereby permitted, a plan to show the layout and surface treatment of car parking spaces in accordance with the Council's standard shall have been submitted to and approved by the District Planning Authority. The car park 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 and of suitable appearance, in accordance with the requirements of Policies DP1 and DP8 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 for new development will be produced on site, or in the locality, from renewable energy resources,

PLANNING COMMITTEE MINUTES (Continued)

has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's 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) A woodland management plan for the potential SINC woodland block shall be submitted to and approved in writing by the planning authority prior to the occupation of the development. The plan shall include:
- Description and evaluation of the features to be managed (including management of understorey and translocation of bluebells where necessary);
 - Ecological trends and / or constraints on site that may influence management;
 - Aims and objectives of management;
 - Appropriate management options for achieving aims and objectives;
 - Prescriptions for management actions;
 - Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
 - Personnel responsible for the implementation of the plan; and
 - Monitoring and remedial/contingencies measures triggered by monitoring.
- The plans shall be carried out as approved, unless otherwise approved in writing by the district planning authority. **REASON:** To ensure ancient woodland is not negatively affected by the works in accordance with WDC policy DP3 and DAP3 and to ensure a net biodiversity gain in accordance with PPS9;
- (8) The premises shown on the approved plans for use as a garden centre shall be used as a garden centre and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). **REASON** : Other uses within this Use Class may

PLANNING COMMITTEE MINUTES (Continued)

not be appropriate in these premises by reason of the rural location in the Green Belt and to satisfy Policy DA1 of the Warwick District Local Plan 1996-2011;

- (9) Not less than 50% of the external and canopied Garden Centre area shall be used for the sale of trees and plants of all kinds and the remainder of the area for the sale of rockery and statuary, ponds, pools, fountains and accessories including cold-water fish, compost, and other garden care products; garden furniture, garden lighting and heating, barbeques and barbeque accessories; landscaping and building materials, fencing and timber products; pets, domestic birds, fish and accessories including bird feeding equipment.
- (10) No exterior lighting shall be installed, without the prior consent of the District Planning Authority.
REASON : To protect the character and appearance of the green belt, in accordance with policy DA1 of the Warwick District Local Plan 1996-2011; and
- (11) The applicant shall ensure that no bats are endangered during destructive works. Roofing material on Building B and weather-boarding on Building A (using the building letters referred to in the Bat Survey Report for Hatton Country World, carried out by Ridgeway Ecology, 5 August, 2009) should be removed carefully by hand, and in the presence of a licensed ecologist. Should any bats be detected during this operation, all work on the building cease and Natural England contacted for advice. Bats and their roost sites are protected the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act are also deemed a European Protected Species.
REASON: To ensure that protected species are not harmed by this development.
- (12) Extension 1, as shown on drawing CO814-09D, hereby approved, shall at all times only be used for purposes ancillary to the Farm Park and shall not be operated as a separate attraction.
REASON: The site lies in a rural location where the local planning authority wishes to retain control over the use of the premises, in accordance with policy DA1 of the Warwick District Local Plan 1996-2011; and

PLANNING COMMITTEE MINUTES (Continued)

- (13) In the development hereby approved:-
- building 1 shall not be occupied until building G has been demolished;
 - building 2 shall not be occupied until buildings H,I,K have demolished;
 - building 3 shall not be occupied until buildings F and J have been demolished. **REASON:** The site lies in a rural location where the local planning authority wishes to control the phasing of development, in accordance with policy DA1 of the Warwick District Local Plan 1996-2011.

108. W09/0630 – WOOD CORNER FARM, BIRMINGHAM ROAD, WROXALL

The Committee considered an application from Mr Hodges for the proposed demolition and reconstruction of approved garage building in an alternative location (variation of conditions no.9 (retention of garage) and no.12 (conversion of garage) of planning permission W/08/0081).

The application was presented to Committee because an objection from Beausale, Haseley, Honiley & Wroxall Joint Parish Council had been received.

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

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

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

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

The case officer was of the opinion that the development did not prejudice the openness and rural character of this Green Belt area and was considered to comply with the policies listed. It was considered that no increased hazard to highway users would result from the development. The proposal was therefore considered to comply with the policies listed.

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

RESOLVED that application W09/0630 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

PLANNING COMMITTEE MINUTES (Continued)

shown on the approved drawing(s) (MA.600.0B.4(a) & MA.600.B3 submitted on 12 August 2009, and ROC\408\PD\001, 003A, 004, 008, 009 & 010 submitted with the application W08/0081 on 18 January and 1 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) The development shall be carried out in full accordance with the large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods approved on 6 January 2009 under application W08/0081. **REASON** : To ensure that the rural character and appearance of the barn(s) 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 screen walls/fences shall be submitted to and approved in writing by the District Planning Authority. The approved screen walls/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;
- (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

PLANNING COMMITTEE MINUTES (Continued)

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) The development shall be carried out in full accordance with the details approved for the disposal of foul and surface water on 6 January 2009 under application W/08/0081. **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

PLANNING COMMITTEE MINUTES (Continued)

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; and

- (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.

109. W09/0721 – THE LIGHTWOODS, CHESSETTS WOOD ROAD, LAPWORTH

The Committee considered an application from Mr R Davies for the replacement of two existing outbuildings with a guest accommodation building and three car garage building and also an erection of new entrance gates and side walls.

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

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

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

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

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

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

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

RESOLVED that application W09/0721 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 LW/4 and specification contained therein, submitted on 17th June 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) This permission authorises the erection of outbuildings to the existing dwelling and shall not be construed as permitting the erection of a separate dwelling unit. **REASON:** Since the property lies within the Green Belt and any separate dwelling would need to comply with policy RAP1 of the Warwick District Local Plan 1996-2011.

110. W09/0841 – 2 CASTLE HILL, KENILWORTH

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

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

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

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

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

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

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

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be deferred to allow for a site visit to take place.

RESOLVED that application W09/0841 be DEFERRED for a site visit.

111. W09/0862 – 61 LILLINGTON ROAD, LEAMINGTON SPA

The Committee considered a retrospective application from Tag Exclusive Properties for a rear extension to two rear ground floor apartments.

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

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

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

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

RESOLVED that application W09/0862 be REFUSED because it compromises the integrity of the building and also contravenes planning policies DP2 and DAP9.

112. W09/0903 – 27 HIGH STREET, BARFORD, WARWICK

The Committee considered an application from Mr A Rhead for the erection of a single storey rear extension.

The application was presented to Committee because the applicant was a District Councillor.

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

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

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

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

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

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

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

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

RESOLVED that application W09/0903 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; and
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos. 09.402.SK.001A, SK.002A, SK.011A and SK.012A, and specification contained therein, submitted on 23rd July 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON**: For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

113. A45/A46 TOLLBAR END IMPROVEMENT SCHEME, USE OF RUNWAY 05 'UNDERSHOOT'

The Committee considered a report from Planning which detailed a request from Coventry Airport that the District Council raise no objection to a temporary change to the operations at the airport. This would be to allow aircraft taking off from runway 05 in an easterly direction to start their takeoff 140m further west than at present (i.e. using part of the present tarmac 'undershoot' as runway).

The proposal would take place only if and when necessitated by proposed piling works, to be undertaken by the Highways Agency as part of the planned improvements to the A45/A46 Tollbar End roundabout. The piling works would interrupt the present 'obstacle limitation surface, takeoff', hence requiring aircraft to takeoff earlier to gain increased height over the proposed works.

RESOLVED that

That Coventry Airport be informed that, in the event that the Highways Agency request that 140m of the 'undershoot' of runway 05 be used for the taking off of aircraft in an easterly direction to avoid piling operations on the A45-A46 Tollbar End Improvement Scheme, and on the basis of the information and proposals currently available to it, the District Council would not consider it expedient to take enforcement action in respect of the resulting temporary breach of planning control. Thus provided that the breach only takes place for the duration of the necessary piling operations and on the cessation of the resulting penetration of the present 'obstacle limitation surface' for the existing use of runway 05, the use of the undershoot for the purposes of taking off ceased. Furthermore the airport be informed

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that in the event that either Highways Agency request for such a change to take off arrangements exceeded a period of 1 year, or the date of commencement of the 'trigger' piling works falls after 1 January 2012, the District Council be informed to enable its stance on this matter to be further considered in the context of any possible changes of circumstances. For the avoidance of doubt, the airport should be informed that in reaching this view, the District Council had noted that the use of the existing runway for the landing of aircraft will not be affected and that the proposed movement of the takeoff point 140m to the west during the piling operations will not result in a material increase in the effective length of the runway available to aircraft at that time.

The above decision was based solely on the proposals and other information submitted to the Council at the present time. If any of the circumstances change, the Council would reconsider its decision.

(The meeting ended at 9.00pm)