

PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 23 August 2005 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

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

343. DECLARATIONS OF INTEREST

Minute Number 344 – Radford Semele CE Combined School, Radford Semele, Leamington Spa

Councillor Mrs Compton declared a personal interest because she was a Councillor for Warwickshire County Council who were objecting to the application.

Minute Number 345 – St Mary's Lands, Hampton Street, Warwick

Councillors Mrs Blacklock, Mrs Compton, Ms De-Lara-Bond, Evans, Mrs Knight, MacKay and Windybank declared personal interests because the applicant was Warwick District Council.

Councillor Kinson declared a personal interest because the applicant was Warwick District Council and he was a Hill Close Gardens Trustee.

Councillor Ashford declared a personal and prejudicial interest because the applicant was Warwick District Council and he was a Hill Close Gardens Trustee.

Minute Number 346 – 20, 30 & 32 Malthouse Lane, Kenilworth

Councillor Mrs Blacklock declared a personal and prejudicial interest because she had had previous involvement with the application, applicants and objectors.

Minute Number 368 – The Oak Inn, Radford Road, Leamington Spa

Councillor Ashford declared a personal interest because he lived in the direct vicinity of the application site.

Minute Number 369 – 135 Warwick Road, Kenilworth

Councillor Mrs Blacklock declared a personal interest because one of the objectors was known to her.

Minute Number 384 – 4 Belmont Drive, Leamington Spa

Councillors Ashford, Mrs Blacklock, Mrs Compton, Evans, Kinson, Mrs Knight, MacKay and Windybank declared personal interests because one of the applicants was known to them as a fellow Councillor.

Ms De-Lara-Bond declared a personal and prejudicial interest because one of the applicants was known to her as a fellow Ward Councillor.

344. RADFORD SEMELE CE COMBINED SCHOOL, RADFORD SEMELE, LEAMINGTON SPA

The Committee considered an application from M Marshall Developments for the erection of seven dwelling houses (after demolition of existing buildings) and an extension to the main school to incorporate nursery facilities; provision of hard play areas (resubmission of W04/0618).

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H8 - Limited Infill Villages (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
RAP2 - Directing New Housing (Warwick District 1996 - 2011 First Deposit Version)
SC7a - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011 First Deposit Version)

The following addressed the Committee on this application:

Councillor David Chater	Parish Council
Mr Neil Hume	Objector
Mr Paul Whiley	Applicant/Supporter
Councillor Michael Doody	Ward Councillor

RESOLVED that application W2005/0067 be **GRANTED**, following referral to the Secretary of State as a departure from the Development Plan and the conclusion of a Section 106 Agreement as set out above to secure the use of the sale value of the land to secure improvements to the retained school, subject to the following conditions:-

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 4408/01D and 02A and 4408/13A and 14A, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;

- (3) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (4) No development shall be carried out on the site which is the subject of this permission, until large scale details of porches, 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 a high standard of design and appearance in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (5) Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (6) The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety;

- (7) No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan;
- (8) No external lighting 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 ENV3 of the Warwick District Local Plan;
- (9) 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** : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policy ENV3 of the Warwick District Local Plan;
- (10) The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works shall have been given to the Warwickshire Museum as the nominated representative of the District Planning Authority. During the construction period the developer shall afford access at all reasonable times to representatives of the Museum and shall allow them to observe the excavations and record items of interest and finds. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy ENV22 of the Warwick District Local Plan;

- (11) No development shall take place until full details of measures for bat mitigation and conservation have been submitted to and approved by the District Planning Authority. These measures should include:-
- (a) Inspection of existing buildings on site within one month prior to their demolition to determine presence or absence of roosting or hibernating bats;
 - (b) No building containing bats shall be demolished until bats have been safely excluded using such measures as have been previously submitted to and approved in writing by the District Planning Authority;
 - (c) Provision, prior to demolition of existing buildings and the commencement of development, of a new bat roost/hibernacula constructed to a design and in a location previously approved by the District Planning Authority;
 - (d) Provision of an area of buffer habitat around the new bat roost/hibernacula, details of the buffer to be submitted to and approved in writing by the District Planning Authority;
 - (e) Retention of hedgerows identified as being important for foraging bats within the development site, details of the location of hedges to be submitted to and approved in writing by the District Planning Authority;
 - (f) Provisions for the management in perpetuity of the buffer habitat, hedgerows used for foraging, and the new bat roost/hibernacula, to be submitted to and approved in writing by the District Planning Authority.
- The works shall be implemented in accordance with the approved details and an agreed timing of the works, unless otherwise approved in writing by the District Planning Authority.
- REASON:** To ensure the protection of bats within the site in accordance with the requirements of Policy ENV27 of the Warwick District Local Plan;
- (12) The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with the requirement of Policy ENV3 of the Warwick District Local Plan;

- (13) The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for its whole length as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the District Planning Authority (in consultation with the Highway Authority).
REASON: In the interests of highway safety in accordance with the requirement of Policy ENV3 of the Warwick District Local Plan; and
- (14) The development shall not be commenced until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 70 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety in accordance with the requirement of Policy ENV3 of the Warwick District Local Plan.

345. ST MARY'S LAND, HAMPTON STREET, WARWICK

The Committee considered an application from Warwick District Council for improvements to the existing car park and the creation of a public pay and display car park.

Councillor Ashford left the room whilst this item was discussed as he had declared a personal and prejudicial interest.

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

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) ENV2 - Areas of Restraint (Warwick District Local Plan 1995)
- (DW) TR6 - Provision of On-Street and Off-Street Parking within Town Centres (Warwick District Local Plan 1995)
- DAP2 - Protecting the Areas of Restraint (Warwick District 1996 - 2011 First Deposit Version)
- SC4 - Supporting Cycle and Pedestrian Facilities (Warwick District 1996 - 2011 First Deposit Version)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

PLANNING COMMITTEE MINUTES (continued)

TCP1 - Protecting and Enhancing the Town Centres (Warwick District 1996 - 2011 First Deposit Version)

The following addressed the Committee on this item:

Mr James Mackay	Objector
Mr Colin Burden	Applicant
Councillor John Holland	Ward Councillor

RESOLVED that application W2005/0425 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved amended drawing L18.01.10.01, L18.01 10 02 A and specification contained therein, submitted on 20th July 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) A landscaping scheme, incorporating existing trees and shrubs to be retained as shown on drawing L18.01 10 02 A submitted 20th July 2005 and new tree and shrub planting for the whole of the site and including a maintenance and management plan 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 5837:1991. 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

PLANNING COMMITTEE MINUTES (continued)

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 ENV3 of the Warwick District Local Plan;

- (4) The development hereby permitted shall not commence unless and until two weeks notice in writing of the start of works shall have been given to the Warwickshire Museum as the nominated representative of the District Planning Authority. During the construction period the developer shall afford access at all reasonable times to representatives of the Museum and shall allow them to observe the excavations and record items of interest and finds. **REASON** : To ensure any items of archaeological interest are adequately investigated, recorded and if necessary, protected, in order to satisfy the requirements of Policy ENV22 of the Warwick District Local Plan;
- (5) The gated vehicular access between the two car parks shall remain closed at all times other than on "Race Days". **REASON**: In the interests of safety for pedestrians and cyclists;
- (6) No development shall be carried out on the site which is the subject of this permission, until details of the fence around the new car park and the hedge on the southern boundary of the new car park 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 amenity of the area;
- (7) No development shall take place which is the subject of this permission until a fence has been erected to protect the area of ridge and furrow. This fence shall be retained until the development has been completed. **REASON**: To protect the ridge and furrow feature throughout the development;

- (8) The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (9) No development, earth moving, materials or machinery shall be brought onto the site shall take place until full details of an Important Species Contingency Plan has been submitted to and approved in writing by the planning authority. The plan shall include:
- a) Surveys at agreed periods by an agreed expert to determine the possible presence of particular important species (nesting birds and autumn crocus) previously specified by the planning authority.
- b) Details of appropriate mitigation measures and contingency plans should such an important species be found to be present. This plan should contain:
- i) An appropriate scale plan showing the "Environment Protection Zones" where any construction activities are restricted and where protective measures will be installed or implemented;
 - ii) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - iii) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed
 - iv) Persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation;
 - Installation of physical protection measures during construction;

PLANNING COMMITTEE MINUTES (continued)

- Implementation of sensitive working practices during construction;
 - Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;
 - Provision of training and information about the importance of “Environment Protection Zones” to all construction personnel on site.
- v) Full details of any habitat creation/restoration scheme which shall include:
- Purpose, aims and objectives for the scheme;
 - A review of the site’s ecological potential and any constraints;
 - Description of target habitats and range of species appropriate to the site;
 - Selection of appropriate strategies for creating/restoring target habitats or introducing/encouraging target species;
 - Selection of specific techniques and practices for establishing vegetation;
 - Method statement for site preparation and establishment of target features;
 - Extent and location of proposed works;
 - Aftercare and long term management;
 - The personnel responsible for the work.

The surveys, mitigation and contingency measures shall be implemented in accordance with the approved plans, unless otherwise approved in writing by the planning authority.

REASON: To protect the ecologically important feature on the site.

PLANNING COMMITTEE MINUTES (continued)

346. 20, 30 & 32 MALTHOUSE LANE, KENILWORTH

The Committee considered an application from Mr D Searle and Mr H Feeney for the erection of three detached houses, after demolition of 30/32 Malthouse Lane, Kenilworth.

Councillor Mrs Blacklock left the room whilst this item was discussed as she had declared a personal and prejudicial interest in the application.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
The 45 Degree Guideline (Supplementary Planning Guidance)

The following addressed the Committee on this item:

Councillor George Illingworth	Town Councillor
Mr David Pettifor	Objector
Mr David Searle	Applicant
Councillor Michael Coker	Ward Councillor

Having considered the officers report and representations from members of the public, the Committee were of the opinion that the application should be refused because it was a closely packed development on an especially small but prominent site, was out of character with the existing spacious design of the area and would have an adverse impact on the street scene of this part of Kenilworth, which has a semi-rural setting. It was decided that the application was therefore contrary to Policy ENV3 of the Warwick District Local Plan 1995.

RESOLVED that application W2005/1166 be REFUSED as the Committee were of the opinion that it was a closely packed development on an especially small but prominent site, was out of character with the existing spacious design of the area and would have an adverse impact on the street scene of this part of Kenilworth, which has a semi-rural setting. It was decided that the application was therefore contrary to Policy ENV3 of the Warwick District Local Plan 1995.

347. 2A-2B GUY'S CLIFFE AVENUE, LEAMINGTON SPA

The Committee considered an application from A C Lloyd and Warwickshire Police Authority for the erection of fourteen apartments and a boundary wall.

This application was deferred at Planning Committee on 3rd August 2005 to enable a site visit to take place on 20th August 2005.

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

PLANNING COMMITTEE MINUTES (continued)

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

The following addressed the Committee on this item:

Mr B Bassett
Councillor Bill Gifford

Applicant/Supporter
Ward Councillor

RESOLVED that application W2005/0887 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos. 1136/07a, 10a, 11a, 12a and 13a, and specification contained therein, submitted on 13th July 2005 unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;

- (4) The roofing material for the development shall be natural slate, a sample of which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan;
- (5) All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan;
- (6) No development shall be carried out on the site which is the subject of this permission, until large scale details of cycle/bin/recycling stores, gable barge boards, balconies, conservation rooflights, doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan;
- (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 5837:1991. 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 ENV3 of the Warwick District Local Plan;

- (8) The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety;
- (9) 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 ENV27 of the Warwick District Local Plan 1995;

- (10) The development hereby permitted shall not be commenced until the existing vehicular access to the site from Guys Cliffe Avenue has been widened to 5 metres for a distance of 7.5 metres into the site, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (11) The development hereby permitted shall not be brought into use until all parts of existing accesses to Guys Cliffe Avenue, not included in the proposed means of access, have been permanently closed and reinstated in accordance with details approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (12) The vehicular access to the site shall not be used until visibility splays have been provided to the public highway carriageway with an 'x' distance of 2.4 metres and 'y' distances of 4.2 metres. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (13) Gates/doors provided at the entrance to the site shall not be hung so as to open to within 5 metres of the near edge of the public highway footway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (14) The lower pane in all side facing sash windows on the north and south elevations of each building shall be glazed with obscure glazing and shall thereafter be retained as such at all times. **REASON** : To protect the amenity of adjoining residents and the residents of the development hereby permitted in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan; and

- (15) Before any work in connection with the development hereby permitted is commenced on site, detailed plans and specifications of a 2 metre high security fence to be erected along the rear boundary of 2A, 2B and 2C Cliffe Road and the existing hedge shall be submitted to and approved in writing by the District Planning Authority. The approved fence shall be constructed in the position shown on the said plan before the dwellings hereby permitted are occupied and shall thereafter be maintained in that position unless otherwise agreed in writing by the District Planning Authority. **REASON:** to protect the security of neighbouring properties, and, to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

348. 1A HIGHFIELD TERRACE, LEAMINGTON SPA

The Committee considered an application from B R Bassett for change of use from office to house.

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

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

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

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

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

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

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

DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

The following addressed the Committee on this item:

Mr B Bassett
Councillor Bill Gifford

Applicant/Supporter
Ward Councillor

RESOLVED that application W2005/1046A be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON :** To comply with Section 91 of the Town and Country Planning Act 1990;

PLANNING COMMITTEE MINUTES (continued)

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 378/201 and 378/202 and specification contained therein, submitted on 28 June 2005, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3; and
- (3) the first floor windows in the east elevation of the building shall be non-opening and obscure glazed and retained as such at all times thereafter. **REASON** : To protect the amenity of the occupiers of nearby properties.

349. 120 to 122 COVENTRY ROAD, WARWICK

The Committee considered an application from Guys Cross Nursing Home for alterations including erection of single, two and three storey rear extension.

This application was deferred at Planning Committee on the 3rd August 2005, to enable a site visit to take place on 20th August 2005.

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

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

The following addressed the Committee on this item:

Mr A F Dawe Objector

RESOLVED that application W2005/0888 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 07 and 08, and specification contained therein, submitted on 27 May 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;

- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (4) the first floor windows to bedrooms 6 and 9 in the north and south elevations of the extension hereby permitted shall only be top opening and will be constructed using privacy glazing which shall not allow views towards No 124A Coventry Road and 118A & B Coventry Road respectively and shall be retained as such at all times thereafter. Once the works are completed the applicant/owner shall afford access at all reasonable times to representatives of Warwick District Council Planning Department and shall allow them to observe the privacy glazing to ensure compliance. **REASON** : To protect the amenity of the occupiers of nearby properties.

350. LAND REAR OF CHERRY STREET, COTEN END, WARWICK

The Committee considered an application from Rowney Properties Ltd for the demolition of existing workshop units and No 22 Cherry Street and erection of six apartments and two houses.

This application was deferred at Planning Committee on 3rd August 2005 to enable a site visit to take place on 20th August 2005.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version).

The following addressed the Committee on this item:

Mr P Howard	Objector
Mr S Hadland	Applicant/Supporter
Councillor Mrs Mellor	Ward Councillor

PLANNING COMMITTEE MINUTES (continued)

Having considered the officers report and representations from members of the public, the Committee were of the opinion that the application should be refused on the grounds of overdevelopment of the site, detrimental to the character of the area, detrimental to the amenities of local residents and substandard parking facilities which would increase traffic flow to the rear of the existing residential properties.

RESOLVED that application W2005/0964 be REFUSED on the grounds of overdevelopment of the site, the flats were detrimental to the character of the area, detrimental to the amenities of local residents and inadequate parking in view of fully parked nature of the area and difficulties of delivery and refuse vehicles.

351. **LAND REAR OF CHERRY STREET, COTEN END, WARWICK**

The Committee considered an application from Rowney Properties Ltd for the demolition of existing workshop unit and No 22 Cherry Street and erection of four apartments.

This application was deferred at Planning Committee on 3rd August 2005 to enable a site visit to take place on 20th August 2005.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version).

The following addressed the Committee on this item:

Mr P Howard	Objector
Mr S Hadland	Applicant/Supporter
Councillor Mrs Mellor	Ward Councillor

Having considered the officers report and representations from members of the public, the Committee were of the opinion that the application should be refused on the grounds of overdevelopment of the site, detrimental to the character of the area, detrimental to the amenities of local residents and substandard parking facilities which would increase traffic flow to the rear of the existing residential properties.

RESOLVED that application W2005/0965 be REFUSED on the grounds of overdevelopment of the site, the flats were detrimental to the character of the area, detrimental to the amenities of local residents and inadequate parking in view of fully parked nature of the area and difficulties of delivery and refuse vehicles.

352. 1 MARNE CLOSE, WARWICK

The Committee considered an application from Mr & Mrs W Matthews for the erection of a two storey extension

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

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

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

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

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

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

The following address the Committee on this item:

Mr Andrew Williams	Objector
Mrs S Matthews	Applicant

Having considered the officers report and representations from members of the public, the Committee were of the opinion that the application should be refused because it would have an adverse impact on Marne Close and the Emscote Lawns award winning scheme by reason of bulk and that the proposal was disproportionate to the character of the original dwelling which had been designed to be the end of an integrated terrace. The flat roof was inappropriate, the extension would destroy the relationship to Montague House and would harm the setting of the listed building and would have an adverse impact on the open space.

RESOLVED that application W2005/0969 be REFUSED because it would have an adverse impact on Marne Close and the Emscote Lawns generally by reason of bulk and that the proposal was disproportionate to the character of the original dwelling which had been designed to be the end of an integrated terrace. The flat roof was inappropriate, the extension would destroy the relationship to Montague House and would harm the setting of the listed building and would have an adverse impact on the open space.

353. 29 WINDY ARBOUR, KENILWORTH

The Committee considered an application from Mr I Simmons for the erection of two bungalows and garages at the rear of 29 Windy Arbour, Kenilworth.

PLANNING COMMITTEE MINUTES (continued)

The following addressed the Committee on this item:

Councillor T Martin	Town Council
Mr A Pauling	Objector
Ms J Cunliffe	Objector
Mr R Simmons	Applicant/Supporter

RESOLVED that application W2005/01073 be DEFERRED to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when considering the application.

354. **LAND REAR OF 7 & 9 BEAUCHAMP AVENUE, LEAMINGTON SPA**

The Committee considered an application from Marson Homes Ltd for the erection of two dwellings fronting Trinity Street, Leamington Spa.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version).

RESOLVED that application W2005/1050 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 1170/02, 03 and 04, and specification contained therein, deposited with the District Planning Authority on 27th June 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;

PLANNING COMMITTEE MINUTES (continued)

- (3) No development shall be carried out on the site which is the subject of this permission, until large scale details of parapets, garden walls, doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan;
- (4) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (5) All rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan;
- (6) Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. **REASON** : To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;

- (7) No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan; and
- (8) The development hereby permitted shall not be brought into use until all parts of existing accesses to Trinity Street, not included in the proposed means of access, have been permanently closed and reinstated in accordance with details approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

355. LAND REAR OF 7 & 9 BEAUCHAMP AVENUE, LEAMINGTON SPA

The Committee considered an application from Marson Homes Ltd for the demolition of garages fronting Trinity Street, Leamington Spa

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

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

(DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)

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

DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

PPG15 - Planning and the Historic Environment.

RESOLVED that application W2005/1051 CA be GRANTED subject to the following conditions:

- (1) The works hereby permitted must be begun not later than the expiration of five years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990;

- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number 1170/01, and specification contained therein, deposited on 27th June 2005 unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3; and
- (3) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of works of redevelopment under planning permission W051050 has been made. **REASON** : To protect the character/appearance of the Conservation Area in accordance with the requirements of Policies ENV6 and ENV7 of the Warwick District Local Plan.

356. ADJOURNMENT OF MEETING

The Chair adjourned the meeting of the Planning Committee held on Tuesday 23 August 2005 to Thursday 25 August 2005 at 4.00 pm.

(The meeting ended at 10.35 pm)

RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday 25 August 2005 at the Town Hall, Royal Leamington Spa at 4.00 pm.

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

357. 33-35 JURY STREET, WARWICK

The Committee considered an application from Pizza Piazza Limited for the redecoration of existing shopfront together with revised "Bartolozzi" signage.

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

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

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

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

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

RESOLVED that application W2005/0811 be GRANTED subject to the following conditions:

- (1) This consent is for a period of five years from the date hereof and is subject to the standard conditions in Part I of the First Schedule to the above mentioned regulations as follows:
 - 1 All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
 - 2 Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.
 - 3 Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.
 - 4 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - 5 No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome;
- (2) No development shall be carried out on the site which is the subject of this permission until large scale details of the aluminium lettering 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 drawing(s) PP-WAR-008, PP-WAR-007 and specification contained therein, submitted on 13th May 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

358. 33-35 JURY STREET, WARWICK

The Committee considered an application from Pizza Piazza Limited for the redecoration of existing shopfront together with revised "Bartolozzi" signage.

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

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

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

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

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

RESOLVED that application W2005/0812LB be **GRANTED** subject to the following conditions:

- (1) The works hereby permitted must be begun not later than the expiration of five years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- (2) No development shall be carried out on the site which is the subject of this permission until large scale details of the aluminium lettering 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 drawing(s) PP-WAR-008, PP-WAR-007, and specification contained therein, submitted on 13th May 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

359. 78 HADDON ROAD, LILLINGTON, LEAMINGTON SPA

The Committee considered an application from R Atkins for the conversion of existing house into two one bedroomed flats and single storey rear extension.

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

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

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

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

(DW) H15 - Conversion of Existing Residential Property (Warwick District Local Plan 1995)

RESOLVED that application W2005/1135 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;
- (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 11 July 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3; and
- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

360. THE TRINITY SCHOOL, MYTON ROAD, WARWICK

The Committee considered an application from F Caldwell for the variation of condition 2 (time limit) of outline planning permissions W2000/1027, W2001/0246 and W2001/0685 to extend permission for a further period for the submission of reserved matters for residential development.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
(DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)

RESOLVED that application W2005/1016 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, design and external appearance of the proposed development,
 - (b) details of the access arrangements,
 - (c) details of landscaping.

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

- (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 two years beginning with the date of this permission. **REASON**: To comply with Section 92 of the Town and Country Planning Act 1990.

361. LUNN POLY HOUSE, CLARENDON AVENUE, LEAMINGTON SPA

The Committee considered an application from Alburn Limited for the erection of a fifth floor extension and conversion of upper floors to provide 54 no self-contained flats, erection of a first floor roof terrace to inner courtyard and external alterations to building facades.

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

PLANNING COMMITTEE MINUTES (continued)

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
SC9 - Affordable Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
SC12 - Community Facilities (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

RESOLVED that application W2005/0428 be GRANTED after completion of a Section 106 Agreement to secure affordable housing, education contributions, travel packs for flat occupants and provision of an agreed number of parking spaces within Convent Garden Car Park and subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 040119 SK-109 Revision N, SK-11 Revision N, SK-12 Revision N, SK-13 Revision M, SK-14 Revision E, SK-15 Revision D, SK-16 Revision E, SK-17 Revision B and SK20 and specification contained therein, submitted on 8 August 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;

- (3) No development shall be carried out on the site which is the subject of this permission, until satisfactory details of a noise insulation scheme to minimise transmission of airborne noise have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : In the interests of the amenities of future occupiers of the building;
- (4) Prior to the commencement of the development hereby permitted a plan to show the layout and surface treatment of a cycle parking area for use in association with the development shall have been submitted to and approved by the District Planning Authority. The cycle parking area 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 there are adequate cycle parking facilities to serve the development;
- (5) No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan; and
- (6) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

362. WORKSHOP PREMISES, SPENCER YARD, LEAMINGTON SPA

The Committee considered an application from Mr N Singh Kandola for the conversion and extension of building to provide two self-contained flats.

The Head of Planning and Engineering considered the following policies to be relevant to this application and had recommended that the application be refused:

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

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

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

(LTC) ENV5 - Old Town Enhancement.

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

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

DP10 - Flooding (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

TCP7 - Opportunity Sites in Old Town, Leamington Spa (Warwick District 1996 - 2011 First Deposit Version)

RESOLVED that application W2005/0707 be REFUSED because;

- (1) Policy (DW) ENV3 of the Warwick District Local Plan 1995 requires all development to harmonise with their surroundings in terms of land use; this is reflected by Policy DP2 of the Warwick District Local Plan 1996-2011 Revised Deposit Version, which states development will not be permitted which does not provide an acceptable standard of amenity for future users/occupiers of the development. PPG23 (Planning and Pollution Control states the planning system should also control development in proximity to potential sources of pollution to ensure future occupants can be protected from pollution).

The site of the proposed development is presently affected by odour nuisance resulting from the operation of nearby restaurant activity.

In the opinion of the District Planning Authority, in the light of the existing odour nuisance it would be inappropriate to grant planning permission for this proposed residential development, the occupiers of which would not have a satisfactory standard of amenity. The proposal is therefore considered to be contrary to the aforementioned policies.

- (2) Policy (DW) ENV3 of the Warwick District Local Plan 1995 requires all development to have full regard to flood protection; this is reflected by Policy DP10 of the Warwick District Local Plan 1996-2011, Revised Deposit Version.

The site is identified by the Environment Agency as being at risk of flooding from the River Leam during a 1:100 year event and would have flooded during the Easter 1998 floods were it not for the presence of the buildings on Bath Street to route the water away from the site.

In the opinion of the District Planning Authority, the proposed residential conversion would be contrary to the objectives of the aforementioned policies and the advice of Environmental Agency who have concluded it would not follow National Planning Guidance Note PPG25, "Development and Flood Risk", or Agency Policy regarding finished floor and safe, dry pedestrian access and egress from the development. The proposal is therefore considered to be contrary to the aforementioned policies.

363. 251 CROMWELL LANE, BURTON GREEN, KENILWORTH

The Committee considered an application from Mr J Evans for the use of lower ground void for storage and kitchen.

This item was deferred at Planning Committee on 4 August 2005 to enable a site visit to take place on 20 August 2005.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)
(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version)
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)

Having considered the officers report the Committee were of the opinion that the application should be refused because the proposals radically alter the scale and character of this dwelling in the Green Belt, was contrary to the Green Belt policy and ENV3 and H14 of the Warwick District Council Local Plan 1995. The Committee also requested that enforcement action be taken to reinstate the ground levels and ensure compliance with existing planning permission.

RESOLVED that application W2005/0806 be REFUSED because:

- 1) the proposals radically altered the scale and character of this dwelling in the Green Belt; and
- 2) was contrary to the Green Belt policy and ENV3 and H14 of the Warwick District Council Local Plan 1995, the Committee also authorised enforcement action to reinstate the ground levels and ensure compliance with existing planning permission.

364. 135 CROMWELL LANE, BURTON GREEN, KENILWORTH

The Committee considered an application from Mr P V & Mrs S E Bishop for alterations to roof line to provide additional rooms in roof space.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version).

RESOLVED that application W2005/0898 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;

- (3) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 010-02, 010-03, 010-04, 010-05 and specification contained therein, submitted on 1st June 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3; and
- (4) All rooflights at the development to be constructed using obscure glazing.

365. 427 TACHBROOK ROAD, WHITNASH, LEAMINGTON SPA

The Committee considered an application from Shakespeare Property Developments Ltd for the erection of a block of six terraced and one detached dwelling with access road and car parking after demolition of No 427 and existing buildings.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
PPG3 – Housing.

The following addressed the Committee on this item:

Mr D Hudson Applicant/Supporter
Councillor B Kirton Ward Councillor

RESOLVED that application W2005/1008 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;

- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 1155/03d, 04 and 07, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) All existing buildings on the site shall be demolished before the commencement of the development hereby permitted. **REASON** : To protect the amenity of future occupants of the site in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (4) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (5) 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 a development to a high standard of design and appearance in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (6) 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 5837:1991. 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 ENV3 of the Warwick District Local Plan;

- (7) No vehicular access shall be formed to the land to the east of the site and before any dwelling hereby permitted is first occupied, all existing vehicular accesses onto this land shall be closed in accordance with a scheme first submitted to and approved in writing by the District Planning Authority. **REASON** : In the interests of pedestrian and highway safety in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (8) No development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To protect the amenities of occupiers of the site and the character and appearance of the locality, in accordance with Policy ENV3 of the Warwick District Local Plan;
- (9) 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

PLANNING COMMITTEE MINUTES (continued)

bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995;

- (10) Development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by toxic or other noxious materials and on the remedial measures required to deal with the hazards. No development shall be commenced until all toxic or obnoxious materials have been removed or otherwise treated in accordance with details which have been approved in writing by the District Planning Authority. **REASON** : To protect the health and safety of future occupiers;
- (11) The development hereby permitted shall not be commenced until visibility splays have been provided to the vehicular/heavy goods vehicle/car access to the site with an 'x' distance of 2.4 metres and 'y' distances of 90 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON** : In the interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan;
- (12) Access for vehicles/heavy goods vehicles / cars / cycles / pedestrians to the site from the public highway B4087 Tachbrook Road shall not be made other than at a position whereby the visibility splay requirements stated in condition 11 will be satisfied. **REASON** : In the interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan;
- (13) The access to the site for vehicles/heavy goods vehicles/cars shall not be used until it has been provided with not less than 6.0 metre kerbed radiused turnouts on each side. **REASON** : In the interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan;

- (14) The access to the site for vehicles/heavy goods vehicles/cars shall not be used unless a public highway pedestrian crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON** : In the interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan;
- (15) The development hereby permitted shall not be commenced until space has been provided within the site for the parking and loading/unloading of all vehicle types in accordance with details to be approved in writing by the Local Planning Authority. **REASON** : In the interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan;
- (16) The development hereby permitted shall not be commenced until all accesses for cars have been provided to the plots not less than 3.0 metres in width for single property accesses and not less than 5.0 meters in width for accesses serving more than one property or parking areas at any point for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. **REASON** : In the interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan;
- (17) The access to the site shall not be constructed/reconstructed/widened in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON** : In the interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan;
- (18) The layout of the estate road serving the development including footways, verges, footpaths, private drives and means of accessing individual plots shall not be designed other than in accordance with the principles and guidance as set out in 'Transport and Roads for Developments: The Warwickshire Guide 2001'. **REASON** : In the interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan; and

PLANNING COMMITTEE MINUTES (continued)

- (19) The construction of the estate road serving the development including footways and verges shall not be other than in accordance with the standard specification of the Highway Authority.

REASON : In the interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan.

366. 79-81 WHITNASH ROAD, LEAMINGTON SPA

The Committee considered an application from Mr Graham for the construction of replacement dwelling and extension to existing dwelling with parking and garaging.

The following addressed the Committee on this item:

Mr N Plester	Objector
Mr K Graham	Applicant/Supporter
Councillor B Kirton	Ward Councillor

RESOLVED that application W2005/1057 be **DEFERRED** to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when considering the application. It was also requested that the site be marked out in advance of the visit, if possible.

367. 79-81 WHITNASH ROAD, LEAMINGTON SPA

The Committee considered an application from Mr Graham for the conversion of 79/81 Whitnash Road into one cottage with extension.

The following addressed the Committee on this item:

Mr N Plester	Objector
Mr K Graham	Applicant/Supporter
Councillor B Kirton	Ward Councillor

RESOLVED that application W2005/1061 LB be **DEFERRED** to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when considering the application. It was also requested that the site be marked out in advance of the visit, if possible.

368. THE OAK INN, RADFORD ROAD, LEAMINGTON SPA

The Committee considered an application from S & S Panaich for the conversion of existing public house in eight apartments.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

The following addressed the Committee on this item:

Ms C Kempner Objector

RESOLVED that application W2005/1071 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 1134/16, 1134/07A, 1134/15, 1134/05A and 1134/17 and specification contained therein, submitted on 10 August 2005, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) Prior to the first occupation of the apartments hereby permitted, the access onto Radford Road shall be closed and made good, in strict compliance with details first approved in writing by the District Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;

- (4) A landscaping scheme shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (5) The car parking area for the development hereby permitted shall be 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 ENV3 of the Warwick District Local Plan.

369. 135 WARWICK ROAD, KENILWORTH

The Committee considered an application from Hawk Development Ltd for the erection of nine apartments, three houses and three garages, following demolition of 135 Warwick Road.

RESOLVED that application W2005/1109 be DEFERRED to allow for a site visit to be undertaken as the Committee felt it would be of significant benefit to them when considering the application.

370. 29 TACHBROOK ROAD, LEAMINGTON SPA

The Committee considered an application from Mr J Sandhu for the conversion and extension to rear to form six flats together with front lightwell and boundary wall (re-submission of W05/0565).

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
DAP11 - Unlisted Buildings in Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)
The 45 Degree Guideline (Supplementary Planning Guidance)

PLANNING COMMITTEE MINUTES (continued)

The following addressed the Committee on this item:

Ms M Barker Objector

Having considered the officers report and representations from a member of the public, the Committee were of the opinion that the application should be refused because the development would have an adverse effect on light to the neighbouring property, specifically the kitchen and bathroom.

RESOLVED that application W2005/1149 be REFUSED because it would have an adverse effect on light to the neighbouring property.

371. **5-7 INCHBROOK ROAD, KENILWORTH**

The Committee considered an application from J S Bloor (Tamworth Ltd) for the erection of four detached houses, after demolition of No 7 Inchbrook Road, Kenilworth.

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

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP3 - Natural Environment (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP10 - Flooding (Warwick District Local Plan 1996 - 2011 First Deposit Version)
(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)

The following addressed the Committee on this item:

Councillor D Golby Town Council
Mrs A Tyler Objector

Having considered the officers report and representations from members of the public, the Committee were of the opinion that the application should be refused because it was a poor quality infill development which would have an adverse impact on the environment of the local area and amenity of neighbours. The proposed large dwellings didn't respect the character of the area on what was a very sensitive site and the inappropriate backland development adjoining Green Belt and Special Landscape Area was contrary to policies ENV3 and H5 of the Warwick District Local Plan 1995. The application was of cramped appearance using all the available land (which was limited by the Environment Agency flood plain) and the proposed bin store would have an adverse visual impact.

RESOLVED that application W2005/1172 be REFUSED because it was a poor quality infill development which would have an adverse impact on the environment of the local area and amenity of neighbours. The proposed large dwellings didn't respect the character of the area on what was a very sensitive site and the inappropriate backland development adjoining Green Belt and Special Landscape Area was contrary to policies ENV3 and H5 of the Warwick District Local Plan 1995. The application was of cramped appearance using all the available land (which was limited by the Environment Agency flood plain) and the proposed bin store would have an adverse visual impact.

372. 7 CHURCH LANE, BARFORD

The Committee considered an application from The Glebe Hotel for a change of use of 7 Church Lane from C3 (dwelling use) to C1 (Hotel use).

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

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

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

(DW) TO5 - Extension of Existing Hotels and Guest Houses (Warwick District Local Plan 1995)

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

(DW) ENV15 - Encouragement of full use of Listed Buildings (Warwick District Local Plan 1995)

(DW) H13 - Loss of Existing Residential Accommodation and Development within Existing Residential Areas (Warwick District Local Plan 1995)

The following addressed the committee on this item:

Mr B Joynes

Objector

Councillor R Butler

Ward Councillor

Following consideration of the officers report and presentation and the representations from speakers, it was proposed and duly seconded that the application be refused. However this motion was lost when the Chair exercised his casting vote against the motion. The officers recommendation was then proposed and duly seconded, however this motion was lost. The officers recommendation, with an additional condition that no vehicular access from Church Lane be permitted, the driveway be taken up and the area landscaped was then proposed, duly seconded and granted by the Committee.

RESOLVED that application W2005/1197 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 five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number GH2379/1, and specification contained therein, received on 13th July 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) A landscaping scheme shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (4) The driveway shall be reduced in width, in accordance with the approved plan, before the use of the bungalow as offices and storage has been brought into effect. **REASON** : To protect and enhance the amenities of neighbours in accordance with Policy ENV3 of the Warwick District Local Plan 1995;
- (5) The offices and storage shall only be used as ancillary facilities to the Glebe Hotel and shall not be let off as independent uses. **REASON** : Since permission is only granted for the special reasons given by the applicant and to satisfy Policies ENV3 and H13 of the Warwick District Local Plan 1995; and
- (6) No vehicular access from Church Lane be permitted, the driveway be taken up and the area landscaped.

373. 1 THE CLOSE, LEAMINGTON SPA

The Committee considered an application from Mrs A Underhill for the erection of a two storey side extension to create a new dwelling.

PLANNING COMMITTEE MINUTES (continued)

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

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

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

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

RESOLVED that application W2005/0911 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing (Ref Drawing No. 1B, and specification contained therein, submitted on 22nd July 2005) unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3; and
- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

374. **PLOT 600 ABBEY PARK, STONELEIGH DEER PARK, STARETON LANE, STONELEIGH, KENILWORTH**

The Committee considered an application from Pettifer Estates Ltd for the erection of a building (1380m² gross external area) for use as a training centre and training workshops (within Use Class D1) or offices (within Use Class B1) together with ancillary offices, parking and hardstanding areas.

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

(DW) EMP6 - Design and Landscaping of New Industrial Premises (Warwick District Local Plan 1995)

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

(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)

(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)

(DW) ENV18 - Historic Parks and Gardens (Warwick District Local Plan 1995)

PLANNING COMMITTEE MINUTES (continued)

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

DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)

DAP3 - Protecting Special Landscape Areas (Warwick District 1996 - 2011 First Deposit Version)

DAP13 - Protecting Historic Parks and Gardens (Warwick District 1996 - 2011 First Deposit Version)

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

RAP7 - Directing New Employment (Warwick District 1996 - 2011 First Deposit Version)

(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)

RESOLVED that application W2005/0928 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) The existing trees and shrubs shall be retained in accordance with BS 5837 : 1991 and shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged or becoming seriously diseased within five years of planting, shall be replaced with trees of such size and species as may be agreed with the District Planning Authority. 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 ENV3 of the Warwick District Local Plan;

- (3) A landscaping scheme 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 ENV3 of the Warwick District Local Plan;
- (4) The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety;
- (5) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (6) No lighting shall be fixed to the external walls or roof(s) of the building(s) hereby permitted, without the written consent of the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan; and

- (7) Prior to the commencement of the development hereby permitted, details of the surface treatment of all car parking areas, pedestrian paths and vehicle roadways shall have been submitted to and approved by the District Planning Authority. Such facilities 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 details.
REASON : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

375. THE ZETLAND ARMS, 11 CHURCH STREET, WARWICK

The Committee considered an application from The Zetland Arms for the removal of internal window/wall and door.

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

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

RESOLVED that application W2005/0934 LB be GRANTED subject to the following conditions:

- (1) The works hereby permitted must be begun not later than the expiration of five years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number 2182-02 rev. A, and specification contained therein, received on 4th August 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

376. 23/23a MARKET PLACE, WARWICK

The Committee considered an application from TUI UK for the repainting of shopfront from brown to black gloss.

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

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

RESOLVED that application W2005/1024 LB be
GRANTED subject to the following conditions:

- (1) The works hereby permitted must be begun not later than the expiration of five years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and
- (2) No development shall take place until confirmation of the RAL reference number (or similar) of the paint has been submitted to and approved in writing by the District Planning Authority.
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.

377. 8 ACACIA ROAD, LEAMINGTON SPA

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

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

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

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
The 45 Degree Guideline (Supplementary Planning Guidance)

RESOLVED that application W2005/1027 be GRANTED
subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;

- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 05/48-02 and 05/48-03, and specification contained therein, submitted on 20th June 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3; and
- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

378. OAK BANK HOUSE, KENILWORTH ROAD, LEAMINGTON SPA

The Committee considered an application from Mr & Mrs T Singh for the erection of a two storey side extension.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)
(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 First Deposit Version).

RESOLVED that application W2005/1045 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;

- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (Ref Drawing Nos 1164SK102A and 1164SK103A, and specification contained therein, submitted on 27th June 2005) unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3; and
- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

379. 18 GROVE STREET, LEAMINGTON SPA

The Committee considered an application from Mr & Mrs B Hamilton for the erection of lean-to conservatory, alterations to existing garage and installation of a security alarm.

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

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

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

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

DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 First Deposit Version)

RESOLVED that application W2005/1089 LB be GRANTED subject to the following conditions:

- (1) The works hereby permitted must be begun not later than the expiration of five years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990;

- (2) The development hereby permitted shall be carried out in accordance with the details shown on the approved drawing (Ref Drawing No. 461-2, and specification contained therein, submitted on 1st July 2005) except as required by condition 3 below and unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) Notwithstanding the details shown of the approved plan Drawing No. 461-2, the garage shall be constructed to incorporate a pair of timber doors with a brick column in the middle, the details of which shall be first submitted to and approved in writing by the District Planning Authority. **REASON:** To ensure the high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995; and
- (4) No development shall be carried out on the site which is the subject of this permission until large scale details of the lean-to conservatory 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. (LB).

380. 52 QUINTON CLOSE, HATTON PARK, WARWICK

The Committee considered an application from Mr & Mrs Richardson for a proposed two storey side extension and miscellaneous internal alterations.

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)

RESOLVED that application W2005/1092 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990; and

- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing nos. 0518/02 & /03, and specification contained therein, received on 4th July 2005 unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

381. RIVERSIDE, 9 THE CUNNERY, STONELEIGH PARK, KENILWORTH

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

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)

RESOLVED that application W2005/11104 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990; and
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) A2Q5083/2, and specification contained therein, submitted on 6 July 2005 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

382. 2 GERRARD STREET, WARWICK

The Committee considered an application from Coventry Turned Parts Ltd for the erection of a detached house.

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

PLANNING COMMITTEE MINUTES (continued)

(DW) ENV12 - Protection of the Setting of Listed Buildings (Warwick District Local Plan 1995)

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

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

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

(DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)

RESOLVED that application W2005/1161 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers *****, and specification contained therein, received on ***** unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan;
- (4) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;

PLANNING COMMITTEE MINUTES (continued)

- (5) A landscaping scheme 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 ENV3 of the Warwick District Local Plan;
- (6) 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** : This site is of a restricted size and configuration and is in close proximity to other dwellings. It is considered appropriate therefore to retain control over future development to ensure that the residential amenity of this locality is protected in accordance with the provisions of District-Wide Policy ENV3 of the Warwick District Local Plan;
- (7) 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 ENV22 of the Warwick District Local Plan; and
- (8) Gates/doors provided at the entrance to the site shall not open outwards towards the public highway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

383. 2 GERRARD STREET, WARWICK

The Committee considered an application from Coventry Turned Parts Ltd for the demolition of part of front boundary wall.

PLANNING COMMITTEE MINUTES (continued)

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

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

(DW) ENV7 - Demolition of Non-Listed Buildings within Conservation Areas (Warwick District Local Plan 1995)

RESOLVED that application W2005/1162 CA be GRANTED subject to the following conditions:

- (1) The works hereby permitted must be begun not later than the expiration of five years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings numbers *****, and specification contained therein, received on ***** unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3; and
- (3) The demolition of this section of wall shall only be carried out as a single building operation with the construction of the dwelling approved under W20051161. **REASON** : Since consent is only given in order to carry out the approved dwelling and would otherwise be detrimental to the character of the Conservation Area.

384. **4 BELMONT DRIVE, LEAMINGTON SPA**

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

Councillor Ms De-Lara-Bond left the room whilst this item was discussed as she had declared a personal and prejudicial interest in the application.

The Head of Planning and Engineering had recommended that the following policies were relevant to the application:

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

DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

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

RESOLVED that application W2005/1185 be REFUSED for the following reasons:

- (1) District-Wide Policy ENV3 of the Warwick District Local Plan requires all development proposals to achieve a high standard of design and harmonise with their surroundings. This is reflected in Policy DP1 and DP2 of the emerging Warwick District Local Plan 1996-2011 (Revised Deposit Version) which states that development will only be permitted which positively contributes to the character and quality of the environment and will not be permitted where it has an adverse impact. Furthermore, District-Wide Policy H5 of the Warwick District Local Plan 1995 states proposals for infill development will only be permitted which have no serious adverse impact upon the amenity and environment of their surroundings.

In the opinion of the District Planning Authority, the erection of a new dwelling in this prominent location at the junction of Belmont Drive and Arbury Close on a site of restricted size and awkward configuration will result in a development which would appear unacceptably cramped and contrived, and which would significantly detract from the open, landscaped appearance of this planned residential development. The proposal is, therefore, considered contrary to the aforementioned policies; and

- (2) District-Wide Policy ENV3 of the Warwick District Local Plan requires all development proposals to provide satisfactory vehicular access and not to compromise the safe movement or free flow of traffic or the safe use of roads by others; this is reflected by Policy DA6 of the Warwick District Local Plan 1996-2011 (Revised Deposit Version).

The proposal entails the creation of two off-street car parking spaces close to the junction of Belmont Drive and Arbury Close. The use of these car parking spaces would entail vehicles reversing into or out of the highway at a point where other drivers, cyclists and pedestrians would be negotiating the junction of Belmont Drive and Arbury Close and hence would result in a highway danger. The proposal is, therefore, considered contrary to the aforementioned policies.

385. TRINITY SCHOOL (DORMER HALL), MYTON ROAD, WARWICK

The Committee considered a report from Warwickshire County Council for the construction of a two storey S.E.N. school plus associated parking and provision of hard play areas.

PLANNING COMMITTEE MINUTES (continued)

This was a consultation regarding a County Council application which the County themselves determine and a response to Warwickshire County Council needed to be made.

The Head of Planning and Engineering had recommended that the following policies were relevant:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
SC7 - Supporting Community Facilities (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DAP2 - Protecting the Areas of Restraint (Warwick District 1996 - 2011 First Deposit Version)
ER6 - Protection of Open Space (Warwickshire County Structure Plan 1996-2011)

RECOMMENDED that NO OBJECTION be raised presuming that Warwickshire County Council have a green travel plan for staff.

386. LAND AT POTTERTON, PORTOBELLO WORKS, EMSCOTE ROAD, WARWICK

The committee received a report from the Planning department regarding Tree Preservation Orders which took effect, on a provisional basis, on 29 March 2005. The trees located at Portobello Works, Emscote Road were reported as follows:

24 x Salix Alba; 4 x Alnus Glutinosa; 2 x Salix (Weeping); 34 x Populus; 4 x Acer Pseudoplatanus; 7 x Fraxinos Exoelsior; 1 x Quercus; 1 x Crataegus Monogyna; 1 x Sorbus (TPO244).

The trees were situated in a prominent riverside location with extensive public views. Outline planning permission (ref: W02/1472) was granted in 2002 for residential development, 2323sqm B1 office space, public open space (3.8ha) new road bridge across River Avon together with appropriate supporting infrastructure. A significant proportion of the trees along the river were removed by the developer. Whilst it was acknowledged that the construction of flood compensation areas required the felling of a large number of trees, no justification had been given for the removal of the other trees.

A letter was submitted on 29 April 2005 as a 'holding objection' from Wood Frampton (Agent for outline planning application W02/1472) with a considered response and detailed views to be submitted within 14 days. No grounds of objection or subsequent information were received.

This riverside location was a prominent position when making the transition between Warwick and Leamington Spa. The riverside trees were an important landscape feature, widely visible and made a significant positive contribution to the amenity of this riverside landscape.

PLANNING COMMITTEE MINUTES (continued)

G1 was a large and significant group of trees along the riverside which by reason of its long and uninterrupted stretch framed the river and provided important views from Rock Mill Lane, Emscote Road and the Portobello Bridge. It could also help to screen future development on the site.

The nine trees (T1-T9) were all established trees which both individually and as part of a group provided an attractive element to the setting of the riverside location.

The four trees (T10, T11, T12, and T13) next to the Emscote Road Bridge were of a significant size and made as a small group a positive contribution to the local amenity by reason of their prominent location in the street scene.

The Head of Planning and Engineering recommended that the TPO be confirmed in the interests of protecting the visual amenity of this part of Warwick/ Leamington Spa and to ensure the future contribution that trees in this specific location had in influencing the character of the area is maintained, it was considered appropriate to retain all of the trees, and have control over any proposed works to the trees.

RESOLVED that TPO244 be confirmed, to ensure that the trees continued to make a positive contribution to the visual amenity of this riverside location and that any future works to the trees could be fully controlled.

387. MANLEY, ASHOW, WARWICKSHIRE – TPO 283

The committee received a report from the Planning department regarding a Tree Preservation Order which took effect, on a provisional basis, on 3 June 2005. The tree, located at Manley, Ashow, Warwickshire, was reported as follows:

The tree, 1 Scots Pine, by reason of its size and height was a dominant feature clearly visible in the street scene and from further away when approaching the village and therefore made a significant positive contribution to the amenity of the Ashow Conservation Area.

Objections were received from

- Otter's Pool, Ashow, on the grounds that the tree was unsafe - a very large branch recently fell off the tree and landed on her land causing minor damage; was of the opinion that there is another branch showing signs of deterioration.
- Capabilities Landscapes on behalf of Manley, Ashow on the grounds that permission was given by the Council to fell the tree in April 2005.

The Head of Planning and Engineering had recommended that TPO283 be confirmed, to ensure that the Scots Pine continues to make a positive contribution to the visual amenity of this part of the Ashow Conservation Area and that any future works to the tree are able to be fully controlled.

RESOLVED that TPO283 be confirmed, to ensure that the trees continued to make a positive contribution to the visual amenity of this riverside location and that any future works to the trees could be fully controlled.

388. FAIRWAY RISE, KNOWLE HILL, KENILWORTH (TPO 279)

The Committee considered a report from the Head of Planning and Engineering regarding a Tree Preservation Order which took effect, on a provisional basis, on 31 March 2005. The trees, located at Fairway Rise, Knowle Hill, Kenilworth, were reported as follows:

The order consisted of 13 Oak trees & 3 Ash trees were located along a ridge of rising land on the outskirts of the built up area of Kenilworth. The trees by reason of their individual size, height and canopy spread, made a significant positive contribution to the amenity of the area, especially because of their elevated position compared to the neighbouring land. Moreover, as a result of the continuous linear band they form, they were considered to have a group value which made a positive contribution to the amenity of the area. Furthermore, it was felt that the trees provided important screening of the two new dwellings approved to be built to the rear of 15 Knowle Hill.

Objections were received from:

- Rainsbrook Developments - OBJECT on the grounds that few of the trees are visible from public areas since Fairway Rise is a private Road.
- 15 Knowle Hill – OBJECT on grounds that the four trees at the eastern extremity of G1 cannot be seen from the publicly accessible areas and should be excluded from the TPO.

The Head of Planning and Engineering recommend that TPO279 be confirmed, to ensure that the trees continued to make a positive contribution to the visual amenity of this part of Kenilworth and that any future works to the trees could be fully controlled.

RESOLVED that TPO279 be confirmed, to ensure that the trees continued to make a positive contribution to the visual amenity of this part of Kenilworth and that any future works to the trees could be fully controlled.

(The meeting ended at 10.00pm)