

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 21 September 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.

447. DECLARATIONS OF INTEREST

Minute Number 450 – W2005/0931 – 12 De Montfort Road, Kenilworth

Councillors Mrs Blacklock, Mrs Compton, Ms De-Lara-Bond, Evans, Kinson, Mrs Knight and Windybank declared personal interests because the applicant was known to them.

Councillors Ashford and MacKay declared personal and prejudicial interests because they had worked with the applicant and left the room whilst the application was being considered.

Minute Number 460 – W2005/1228 – Working Mens Club, Ansell Way, Warwick

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

Minute Number 464 – W2005/1003 – Sainsbury's, 56-66 Warwick Road, Kenilworth

Councillor Mrs Blacklock declared a personal interest because a relative was employed at the premises temporarily.

Councillor Evans declared a personal interest because the objector was known to him.

Minute Number 465 – W2005/1199 – Land off Fieldgate Lane, Kenilworth

Councillor Blacklock declared a personal interest because the objector was known to her.

Minute Number 472 – W2005/1333 – Kenilworth Castle Green, Kenilworth

Councillor Blacklock declared a personal and prejudicial interest because she was a member of the Kenilworth Town Council and English Heritage Liaison committee and left the room whilst the application was being considered.

448. MINUTES

The minutes of the meetings held on 3 May, 25 May, 22 June, 4 July and 12 July 2005 were taken as read and signed by the Chair as a correct record.

The minutes of the meeting held on 3 August 2005 were not signed as amendments still needed to be made.

The Chair drew the Committee's attention to the contradiction between two conditions attached to the application for 7 Church Close, Barford at the meeting on 23 August 2005. The Committee had added a condition "no vehicular access from Church Lane be permitted, the driveway to be taken up and the area landscaped" but failed to remove a contradictory condition, which was condition four of the resolution, in the original recommendation "that 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". The Head of Planning & Engineering informed the meeting that the decision notice had been issued without condition four included.

RESOLVED that the decision of the meeting of 23 August 2005 with regard to the decision for 7 Church Close, Barford be amended by the deletion of condition four.

449. **SUPPLEMENTARY PLANNING DOCUMENT: MANAGING HOUSING SUPPLY**

The Committee considered a report from Planning & Engineering to inform them of the implications of the supplementary planning document on decisions that might be taken at this meeting.

At its meeting on 12th September 2005, the Executive had considered a revised draft of a new supplementary planning document (SPD) "Managing Housing Supply". The SPD aimed to limit the overprovision of new housing within the district in accordance with policies CF3 and CF6 in the Regional Spatial Strategy, policy H.1 in the Warwickshire Structure Plan and policies UAP1 and SC8a in the Warwick District Local Plan (Revised Deposit Version). It did this by restricting the location and/or type of new windfall housing permissions granted by the Council.

The recommendation was that the Committee note the report.

RESOLVED that

- 1) the report be noted; and
- 2) copies of the Warwick District Council Affordable Housing policy and Managing Housing Supply policy be distributed to committee members.

450. **12 DE MONTFORT ROAD, KENILWORTH**

The Committee considered an application from Mr Dennis Stanley for the erection of a rear single storey flat roof 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)

PLANNING MINUTES (Continued)

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 W2005/0931 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 04A and 08, and specification contained therein, submitted on 22nd June 2005 and 30th 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; 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.

451. 84 REGENT STREET, LEAMINGTON SPA

The Committee considered an application from Peachy Maisie Simmons for alterations to provide 2 no additional flats, installation of 2 no additional windows to eastern side elevation and amendments to existing windows (amendment to W04/1798).

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

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

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

PLANNING MINUTES (Continued)

(DW) ENV16 - Retention and Re-Establishment of Access to Upper Floors (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)

DAP8 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District 1996 - 2011 First Deposit Version)

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

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

RESOLVED that application W05/1084 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 4440/10/B and 4440/11 and specification contained therein, submitted on 4 July 2005 and 26 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 a schedule of proposed external works, including construction materials, and corresponding method statement 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 (DW) ENV8 of the Warwick District Local Plan 1995 and Policy DAP10 of the Warwick District Local 1996-2011 (First Deposit Version);
- (4) No development shall be carried out on the site which is the subject of this permission, until large scale details of all new external doors, windows (including a section showing the window reveal, heads and cill details) and rooflights at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall

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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 (DW) ENV8 of the Warwick District Local Plan 1995 and Policy DAP10 of the Warwick District Local 1996-2011 (First Deposit Version);

- (5) All window frames shall be constructed in timber, painted and not stained, and be of a sliding sash type set in reveals of 75mm from the face of the building, unless otherwise agreed in writing by the District Planning Authority. **REASON :** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995 and Policy DAP10 of the Warwick District Local 1996-2011 (First Deposit Version);
- (6) No development shall be carried out on the site which is the subject of this permission, until details of any extraction vents and grilles, tv aerials and dish antennas 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 (DW) ENV8 of the Warwick District Local Plan 1995 and Policy DAP10 of the Warwick District Local 1996-2011 (First Deposit Version); and
- (7) 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 between: the proposed flats; the ground and first floors of the premises, and; flat 1 and the upper floors of 82 and 86 Regent Street have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON :** In the interests of the amenities of future occupiers of the building, in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995 and Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 (First Deposit Version).

452. 84 REGENT STREET, LEAMINGTON SPA

The Committee considered an application from Peachy Maisey Simmons for the re-figuration of internal layout to provide 2 no additional flats comprising installation of new staircase between first and second floor of rear wing,

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mezzanine floor, 2 no new windows and alterations to existing windows (amendment of W04/1784LB).

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)

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

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

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

(DW) ENV16 - Retention and Re-Establishment of Access to Upper Floors (Warwick District Local Plan 1995)

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 W2005/1085 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 strictly in accordance with the details shown on the approved drawing numbers 4440/10/B and 4440/11 and specification contained therein, submitted on 4 July 2005 and 26 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 a schedule of proposed external works, including construction materials, and corresponding method statement 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 (DW) ENV8 of the Warwick District Local Plan 1995 and Policy DAP10 of the Warwick District Local 1996-2011

(First Deposit Version);

- (4) No development shall be carried out on the site which is the subject of this permission, until large scale details of all new external doors, windows (including a section showing the window reveal, heads and cill details) and rooflights 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 (DW) ENV8 of the Warwick District Local Plan 1995 and Policy DAP10 of the Warwick District Local 1996-2011 (First Deposit Version);
- (5) All window frames shall be constructed in timber, painted and not stained, and be of a sliding sash type set in reveals of 75mm from the face of the building, unless otherwise agreed in writing by the District Planning Authority. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy (DW) ENV8 of the Warwick District Local Plan 1995 and Policy DAP10 of the Warwick District Local 1996-2011 (First Deposit Version);
- (6) No development shall be carried out on the site which is the subject of this permission, until details of any extraction vents and grilles, tv aerials and dish antennas 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 (DW) ENV8 of the Warwick District Local Plan 1995 and Policy DAP10 of the Warwick District Local 1996-2011 (First Deposit Version); and
- (7) 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 between: the proposed flats; the ground and first floors of the premises, and; flat 1 and the upper floors of 82 and 86 Regent Street have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : In the interests of the amenities of future occupiers of the building, in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995 and Policies DP1 and DP2 of the

453. 135 WARWICK ROAD, KENILWORTH

The Committee considered an application from Hawk Development Ltd for the erection of nine apartments, three house and three garages after demolition of 135 Warwick 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) 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 W20051109 be GRANTED, after completion of a Section 106 agreement for financial contributions of £13,929 (education) and £1,254 (libraries), 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, received on 6th July 2005 and 10th 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) 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) 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;
- (5) The roads and footways serving the development hereby permitted shall not be designed or constructed other than in accordance with the requirements and standard specifications of the Highway Authority as set out in "Transport and Roads for Developments - The Warwickshire Guide 2001", together with any published amendments to it. **REASON** : To ensure compliance with the Council's standards;
- (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) 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;
- (8) 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; and
- (9) There shall be no discharge of foul or contaminated surface water from the site into either the groundwater system or any surface waters. Foul water should be directed into the main sewerage system provided that adequate capacity for such additional flows is available. **REASON :** To prevent pollution of ditches and watercourses, and to satisfy Policy ENV3 of the Warwick District Local Plan.

454. LAND AT THE ELMS, OAKDENE CRESCENT, SHREWLEY

The Committee considered an application from Orbit Housing Association for the variation of condition 1 (time limit of pp.W2002/1212 appeal decision. Erection of 5 houses and 1 bungalow) to extend expiration period to 24 months.

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) H16 - Rural Local Needs Housing (Warwick District Local Plan 1995)
(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)

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(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)
RAP2 - Directing New Housing (Warwick District 1996 - 2011 First Deposit Version)
DAP3 - Protecting Special Landscape Areas (Warwick District 1996 - 2011 First Deposit Version)
RAP5 - Providing Rural Affordable Housing (Warwick District 1996 - 2011 First Deposit Version)

RESOLVED that application W2005/1143 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of twelve months from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990;
- (2) No development shall take place until a schedule of existing trees and other planting to be retained, and details of the works necessary for their protection have been submitted to, and approved in writing by, the local planning authority. Before development commences, tree protection works shall be completed in accordance with the approved schedule and details. **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) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the local planning authority. 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 take place 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 local planning authority. The scheme shall be implemented before the buildings are occupied, and development shall be carried out in accordance with the approved details.
REASON : In the interests of fire safety;

- (5) No development shall take place until details of a reptile survey have been submitted to, and approved in writing by, the local planning authority. Before development commences, the survey shall be completed in accordance with the approved details. No development shall take place until a scheme for mitigation measures has been submitted to, and approved in writing by, the local planning authority and the scheme, as approved, shall be incorporated into the design of the development. **REASON** : To ensure the protection of reptiles and compliance with Policy ENV27 of the Warwick District Local Plan 1995;
- (6) No development shall take place until there has been submitted to, and approved in writing by, the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. 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;
- (7) No development shall take place until full details of both hard and soft landscape works have been submitted to, and approved in writing by, the local planning authority and these works shall be carried out as approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. **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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, re-enacting or modifying that Order), no first floor windows/dormer windows shall be constructed on the side elevations of the buildings hereby permitted. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected;
- (9) The car spaces hereby permitted shall be kept available for the parking of cars at all times. **REASON** : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (10) condition 1 be amended to read “twelve months from the date of this permission”.

455. 53 HIGHFIELD, HATTON PARK, WARWICK

The Committee considered an application from Mr & Mrs Ellis for the erection of a single storey garden room 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)

RESOLVED that application W2005/1148 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 05/29-02, and specification contained therein, submitted on 18th July 2005 unless first agreed otherwise in writing by the District Council 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.

456. 13 WHITMORE ROAD, WHITNASH, LEAMINGTON SPA

The Committee considered an application from Mr & Mrs L Gaskell for the erection of a two storey side and rear extension, garage and front porch.

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 W2005/1179 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, 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; 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.

457. 65 KINGSWAY, LEAMINGTON SPA

The Committee considered an application from Mr & Mrs Chima for the proposed two storey extension to side and rear of existing building.

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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 W2005/1200 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 (04/114-02A, 04/114-03), 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; 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.

458. 51 HILL STREET, WARWICK

The Committee considered an application from Mr & Mrs Goodwin for the erection of a two storey block of 6 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) 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)

DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)

RESOLVED that application W2005/1210 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) No development shall take place until details of all external facing materials have been submitted to and approved by the District Planning Authority. 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;
- (3) A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees 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;

- (4) No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (5) The car park hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in accordance with details which have previously been approved by the District Planning Authority. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (6) The development hereby permitted shall not be brought into use unless there is available vehicular turning space within the site so that vehicles are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (7) The development hereby permitted shall not be brought into use until the proposed means of access has been constructed in strict compliance 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;
- (8) The ground floor windows in the southern and northern elevations of the property hereby permitted shall be obscure glazed and retained as such at all times thereafter. **REASON** : To protect the amenity of the occupiers of nearby properties; and

- (9) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 2006/III/2, 2006/III/3, and specification contained therein, submitted on 15th 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.

459. 27 SOUTHWAY, LEAMINGTON SPA

The Committee considered an application from Mr & Mrs Maan for the conversion and extension to dwelling to form two residential units.

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)

Following introduction of a new policy 'Managing Housing Supply' this created implications for the application which resulted in the creation of a new dwelling and the officer withdrew his recommendation of GRANT, replacing it with one of REFUSE on the following grounds:

The application resulted in the creation of an additional housing unit which represented a 'windfall' housing development that does not meet one of the criteria set out within the Council's supplementary planning document: 'Managing Housing Supply'. This policy sought to limit the overprovision of new homes in the District in accordance with policies CF3 and CF6 in the Regional Spatial Strategy, policy H1 in the Warwickshire Structure Plan and policies UAP1 and SC8a in the Warwick District Local Plan (Revise Deposit Version). To permit the development would, therefore, be contrary to the aforementioned policies.

RESOLVED that application W2005/1219 be DEFERRED to inform the applicant/agent of the changed recommendation and report.

460. WORKING MENS CLUB, ANSELL WAY, WARWICK

The Committee considered an application from George Wimpey West Midlands for the erection of 51 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)

The 45 Degree Guideline (Supplementary Planning Guidance)

PLANNING MINUTES (Continued)

Distance Separation (Supplementary Planning Guidance)

SC9 - Affordable Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

DP5 - Density (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)

Saltisford Warwick Planning Brief, February 2001. The Brief anticipated employment uses for this land.

RESOLVED that application W2005/1228, after completion of a legal agreement to secure 40% affordable housing, contributions to County Council services and improvements to the Ansell Way/Birmingham Road junction, 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 5456.10, .11, .12, .13, .14, .15, .16, .17, .18, .19, .20, .21, & .50 and specification contained therein, submitted on 20 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) 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 protect the amenities of the area, in accordance with the requirements of policy ENV 3 of the Warwick District Local Plan 1995;

- (4) No development shall be carried out on the site which is the subject of this permission, until details of the bin/cycle stores and of the metal railings have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure that the visual amenities of the area are protected and to satisfy the requirements of policy ENV3 of the Warwick District Local Plan, 1995;
- (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) 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;
- (7) The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;

- (8) Before any work in connection with the development hereby permitted is commenced on site, detailed plans and specifications of screenwalls/fences shall be submitted to and approved in writing by the District Planning Authority. The approved screenwalls/fences shall be constructed in the positions shown on the said plan before the buildings hereby permitted are occupied and shall thereafter be maintained in those positions unless otherwise agreed in writing by the District Planning Authority. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (9) The accesses to the site shall be constructed as dropped footway crossings, thereby indicating the private nature of the accesses and the priority for users of the highway, including footways.
REASON: In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan and to promote sustainable transport modes;
- (10) 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;
- (11) No development shall be carried out on the site which is the subject of this permission, until details of existing and proposed ground levels of the development, including the finished floor levels of the buildings and sections through the site between Plots 1-3 and 49-51 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 character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;

- (12) Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON** : To ensure satisfactory provision is made for the disposal of storm water and foul sewage;
- (13) No development approved by this permission shall be commenced until:
- (a) A desk top study identifying previous site uses, potential contaminants and other relevant information and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been undertaken and submitted in approval in writing by the LPA;
 - (b) If deemed necessary as a result of the desk top study, a site investigation has been designed using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model), and has been submitted to and approved in writing by the LPA;
 - (c) The site investigation has been undertaken in accordance with details approved and a risk assessment has been produced;
 - (d) A method statement detailing the remediation requirements using the information obtained from the site investigation has been approved in writing by the LPA. **REASON** : To identify contamination which may pose a risk to the environment or harm to human health;
- (14) If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the LPA) shall be carried out until either;
- a site investigation has been designed and undertaken in accordance with details approved in writing by the LPA, a risk assessment has been produced and a method statement detailing the remediation requirements using the information obtained from the site investigation has been approved by the LPA or;
 - if the above has been previously undertaken, the developer has submitted and obtained written approval from the LPA for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with. **REASON** : To ensure that the development complies with approved details in the interests of protection of

Controlled Waters; and

- (15) All remediation works detailed in the method statement shall be undertaken and a report submitted to the LPA providing verification that the works have been carried out in accordance with the approved details. **REASON** : To protect controlled waters by ensuring that the remediated site has been reclaimed to an appropriate standard.

461. THE OLD HOUSE, STRATFORD ROAD, WARWICK

The Committee considered an application from Tournament Fields (Warwick) Ltd for the erection of seven dwellings and associated works.

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)
Distance Separation (Supplementary Planning Guidance)

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)

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

RESOLVED that application W2005/1262 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 4613-1E, -2, -3, -4, -5, -6, -7, & -8 and specification contained therein, submitted on 21 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 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) The development shall not be occupied until an access for vehicles has been provided to the site not less than 5.5m wide for a distance of 30m 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.
- (6) The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with bound macadam material for a distance of 20m as measured from the near edge of the public highway carriageway, in accordance with details to be approved 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.

- (7) 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 120 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.
- (8) The development shall not be occupied until a turning area has been provided within the site to enable refuse vehicles to leave and re-enter the public highway in a forward gear. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- (9) 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.
- (10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Part 1 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To retain control over future development of the premises in the interests of the amenity of adjoining residents.

462. QUICKS SITE, STATION APPROACH, LEAMINGTON SPA

The Committee considered an application from Miller Homes & Quicks Finance Ltd for the re-development for 3 linked buildings to provide 166 apartments, alterations to access and associated works.

PLANNING MINUTES (Continued)

The following addressed the Committee on this application:

Ms T Newby	Objector
Mrs V Hawkes	Objector
Mr T Bateman	Agent
Councillor Gifford	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 for the same reasons that the previous application W041281 had been and because the Committee were of the opinion that the application would cause unacceptable overshadowing and overlooking and the design and density of the development would lead to an inadequate level of amenity for flats themselves

RESOLVED that application W05/0944 be REFUSED because Policy (DW) ENV3 of the Warwick District Local Plan 1995 requires all development proposals to achieve a high standard of design, harmonising with their surroundings. This is reflected by policies DP1 and DP2 of the Warwick District Local Plan 1996-2011 (First Deposit Version).

In the opinion of the District Planning Authority the proposed development would constitute an unacceptable overdevelopment of the site which by reason of its excessive height (accentuated by its elevated position above Station Approach) and the density of the development would have an overpowering bulk and mass being both un-neighbourly and seriously detrimental to the character and appearance of this locality.

The proposal is, therefore, contrary to the aforementioned policies. The Committee also considered the application would cause unacceptable overshadowing and overlooking and the design and density of the development would lead to an inadequate level of amenity for flats themselves.

463. PORTOBELLO WORKS, EMSCOTE ROAD, PORTOBELLO, WARWICK

The Committee considered an application from Gladedale Homes for the approval of Reserved Matters for erection of 251 dwellings (Outline Planning Permissions W02/1472 and W05/0376).

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

PLANNING MINUTES (Continued)

SC1 - Securing a Greater Choice of Housing (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP5 - Density (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

The following addressed the Committee on this item:

Ms J Russell

Objector

Mr A Hawkins

Agent

Councillor B Gifford

Ward Councillor

RESOLVED that application W2005/1258 be GRANTED subject to the following conditions:

- (1) No development shall be carried out on the site which is the subject of this permission, until details of 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;
- (2) The landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar size and species to those originally required to be planted. 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 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) 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 development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings
HED.587.019B/020A/021A,A4037/2.3/001D,
/002D/003D/004D/005D/
006D/007E/008C/009C/010E/011E/012D/013E/0
14E/015E/016C/017C/018C/019D020C/021C/02
2C/023C/028C/030B/031B/032B/033B/034B/035
A/036A/037A/038/039A/040B/041A/042A/047A/0
48/050/051/052 and specification contained therein, submitted on 18 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;
- (5) The layout of the estate roads serving the development including footways, cycleways, 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 interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (6) The construction of the estate roads serving the development including footways, cycleways, verges and footpaths shall not be other than in accordance with the standard specification of the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;

- (7) Prior to commencement of any works on the site the Applicant/Developer shall install a mechanical wheel wash adjacent to the site access for the purpose of ensuring that mud and debris will not be deposited on the highway as result of construction traffic leaving the site. Details of the wheel wash (including type, method of operation and control of use) shall 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
- (8) Ensure additional tree screening to rear of flats backing onto Greville Road (Block P).

464. SAINSBURY'S, 56-66 WARWICK ROAD, KENILWORTH

The Committee considered an application from Sainsbury's Supermarket Ltd for the erection of extensions to existing store to provide additional sales area, sub-let office after demolition of 56 to 58 Warwick Road, extension above existing service yard to rear (to form store area), alterations to form new entrance, toilets and relocated ATM machines.

The following addressed the Committee on this application:

Councillor Illingworth	Town Councillor
Ms M Levy	Objector
Mr M Harris	Agent
Councillor 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 would be a visual intrusion, of unacceptable height and bulk and would have an unneighbourly impact on Randall Road properties.

RESOLVED that application W05/1003 be REFUSED because it would be a visual intrusion, of unacceptable height and bulk and would have an unneighbourly impact on Randall Road properties.

465. LAND OFF FIELDGATE LANE, KENILWORTH

The Committee considered an application from Mr Hampson for the erection of a two bedroom bungalow.

The following addressed the Committee on this application:

Councillor Ryan	Town Councillor
Mr C Smith	Objector
Mr R Bailey	Agent
Councillor Coker	Ward Councillor

PLANNING MINUTES (Continued)

RESOLVED that application W05/1199 be DEFERRED for an updated report with revised recommendations.

466. 79-81 WHITNASH ROAD, WHITNASH, LEAMINGTON SPA

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

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) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)
(DW) ENV12 - Protection of the Setting of Listed Buildings (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)
DAP9 - Restoration of Listed Buildings (Warwick District 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 application:

Mr Merriman	Objector
Mr Graham	Applicant

RESOLVED that application W05/1057 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 number 04.311.2A, 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.
- (3) The new dwelling hereby permitted shall not be occupied unless and until the existing dwellings, No. 79 and 81 Whitnash Road, have been converted into, and occupied as a single dwelling.
REASON : In the interests of highway safety to ensure that at no time more than 2 dwellings are occupied on this site, in accordance with the provisions 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 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.
- (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) 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 a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.

PLANNING MINUTES (Continued)

- (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 shall not be commenced until an access for vehicles has been provided to the site not less than 3 metres in width 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.
- (9) 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 interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan.

- (10) Gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 7.5 metres of 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.
- (11) The development shall not be commenced until a turning area has been provided within the site so as to enable cars to leave and re-enter the public highway in a forward gear. **REASON** : In the interest of highway safety in accordance with the provisions of Policy ENV3 of the Warwick District Local Plan.
- (12) 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.
- (13) 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.

467. 79-81 WHITNASH ROAD, WHITNASH, LEAMINGTON SPA

The Committee considered an application from Mr Graham for the conversion of 79/81 into 1 cottage with 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:

PLANNING MINUTES (Continued)

(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 First
Deposit Version)
PPG15: Planning and the Historic Environment).

The following addressed the Committee on this application:

Mr Merriman	Objector
Mr Graham	Applicant

RESOLVED that application W05/1061 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 strictly in accordance with the details shown on the approved drawing no 04.311.2A ,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;
- (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 a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995;

- (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; and

PLANNING MINUTES (Continued)

- (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 a high standard of design and appearance for this Listed Building, and to satisfy Policy ENV11 of the Warwick District Local Plan 1995.

468. 29 WINDY ARBOUR, KENILWORTH

The Committee considered an application from Mr I Simmons for the erection of 2 bungalows and garages at rear of 29 Windy Arbour, Kenilworth.

The following addressed the Committee on this application:

Councillor Martin	Town Councillor
Mr H Eccles	Objector
Mr R Simmons	Agent
Councillor Mrs Bunker	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 unneighbourly by reason of disturbance by vehicular traffic and out of character by reason of extensive built areas/plot coverage, thereby conflicting with policies ENV3 and H5.

RESOLVED that application W05/1073 be REFUSED because it was unneighbourly by reason of disturbance by vehicular traffic and out of character by reason of extensive built areas/plot coverage, thereby conflicting with policies ENV3 and H5.

469. 68 WINDY ARBOUR, KENILWORTH

The Committee considered an application from Mr J Insley for the conversion of existing garage to create a new dwelling.

The following addressed the Committee on this application:

Mr T Holmes	Objector
Mr J Pollard	Objector
Councillor Mrs Bunker	Ward Councillor

RESOLVED that application W05/1249 be DEFERRED for an updated report with revised recommendations.

(The meeting ended at 10 pm)

RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday 22 September 2005 at the Town Hall, Royal Leamington Spa at 8.30 pm.

PRESENT: Councillor Evans (Chair), Councillors, Ashford, Mrs Blacklock, Mrs Compton, Kinson, Knight, MacKay, Windybank.

470. 24 OTHELLO AVENUE, HEATHCOTE, WARWICK

The Committee considered an application Mr R Mistry for the erection of a two storey side extension.

The following addressed the Committee on this item:

Mr M Chaclani Objector

RESOLVED that application W2005/1216 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.

471. STORAGE BUILDING, CUBBINGTON WOOD YARD, RUGBY ROAD, CUBBINGTON, LEAMINGTON SPA

The Committee considered an application from Michael Metcalfe for the cladding to existing storage building (re-submission of W2005/0712).

The following addressed the Committee on this item:

Mr Ferry Objector
Mr P Frampton Agent
Councillor J Hammon Ward Councillor

RESOLVED that application W2005/1216 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.

472. KENILWORTH CASTLE, CASTLE GREEN, KENILWORTH

The Committee considered an application from English Heritage for the erection of a new retail and admissions building, removal of existing ticket office, railings and gates, new railings, gates and associated landscaping.

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) ENV21 - Development Associated with Ancient Monuments (Warwick District Local Plan 1995)

(DW) ENV3 - Development Principles (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)

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011 First Deposit Version)

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

PLANNING MINUTES (Continued)

DAP6 - Protection of Listed Buildings (Warwick District 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:

Councillor G Illingworth
Mr R Warren
Mr R Griffiths

Town Council
Objector
Agent

RESOLVED that application W2005/1333 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) (no's. 394A/P02; 03; 04; 05; 06; 07; 08; 09; 10; 12.), and specification contained therein, submitted on 4 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) 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 work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON** : To protect and enhance the amenities of the area, and to satisfy

the requirements of Policy ENV3 of the Warwick District Local Plan;

473. BARN, FERNWOOD FARM, ROUNCIL LANE, BEAUSALE, WARWICK

The Committee considered an application from Mr S Collier for the barn conversion to live/work unit.

RESOLVED that application W2005/1266 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.

474. LAND ADJOINING, GLASSHOUSE LANE, LAPWORTH, SOLIHULL.

The Committee considered an application from J Abrahall for the erection of a stable block to provide 4 stables, tack room and hay barn.

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

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

RESOLVED that application W2005/1299 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 DS/0/2005/014 Rev 1, and specification contained therein, submitted on 29 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 for the area site between the building and Glasshouse Lane, including the thickening of the roadside hedge with indigenous species 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; and

- (4) The stables hereby permitted shall only be used for purposes in connection with and incidental to the use of the land for grazing purposes and shall not be used for the purposes of a livery or riding school or any other commercial purposes. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

475. 2 SOUTHLEA AVENUE, LEAMINGTON SPA

The Committee considered an application from Mrs P K Digmothara for the erection of two storey extension to side of property and increase single storey at rear of 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)
(DW) H14 - Extensions to Dwellings in the Rural Area (Warwick District Local Plan 1995)
Distance Separation (Supplementary Planning Guidance)
(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)
(DW) ENV1 - Definition of the Green Belt (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)
RAP3 - Extensions to Dwellings (Warwick District 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)
(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)

RESOLVED that application W2005/1311 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 (CGD046/02), and specification contained therein, submitted 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; 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.

476. UNIT F, 15 PRINCES DRIVE, KENILWORTH

The Committee considered an application from O Patton for the change of use from B1 to class B2 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 policy (DW) ENV3 - Development Principles (Warwick District Local Plan 1995).

RESOLVED that application W2005/1325 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) and specification contained therein, submitted on 1st 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; and
- (3) No materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site. **REASON :** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

(The meeting ended at 10 pm)