

# PLANNING COMMITTEE

Minutes of the meeting held on Monday 30 April 2007 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

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

## 25. DECLARATIONS OF INTEREST

### Minute Number 27 – W06/2005 – Land at Castle Farm, Castle Road, Kenilworth

Councillor Mrs Blacklock declared a personal interest because she was acquainted with some of the objectors and had given them some procedural advice.

### Minute Number 31 – W07/0221 – St Chad's Church, Church Hill, Bishop's Tachbrook

Councillor Tamlin declared a personal interest because he had given procedural advice to objectors and supporters.

### Minute Number 33 – W07/0272 – Moorfields, Leamington Spa RFC, Leamington Road, Blackdown

Councillor Ashford declared a personal interest because he had recently visited the site, as deputy mayor of Warwick, for a rugby tournament.

### Minute Number 37 – W07/0175 – Sheriffs, Holly Walk, Baginton

Councillor Mackay declared a personal interest because he had met with the applicant in his capacity as Ward Councillor.

## 26. MINUTES

The Minutes of the meetings held on the 14 March and 2 April 2007 having been printed, circulated and amended at Council were taken as read and signed by the Chair as a correct record.

## 27. LAND AT CASTLE FARM, CASTLE ROAD, KENILWORTH

The Committee considered an application from Mrs A Hughes for the erection of a single storey timber building for tool storage, horse rug drying, clean rug storage, toilet, tack room and kitchenette, and three timber sheds (two retrospective) to be used for storage of animal feeds and shelter for animals and occasional housing of horses during illness and use of existing building as indoor riding school.

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

## PLANNING COMMITTEE MINUTES (Continued)

The Committee had visited the site on 28 April 2007 as the Chair of the Committee, on seeing the agenda, had felt that it would of a significant benefit to the Committee when determining the application.

The Head of Planning and Engineering had recommended that the application be granted because he felt that it complied with the following policies:

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

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

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

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

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

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

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

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

(DW) C2 - Diversification of the Rural Economy (Warwick District Local Plan 1995)

(DW) C3 - Criteria for the Conversion of Rural Buildings (Warwick District Local Plan 1995)

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

The Committee considered the additional information on the application which had been circulated as part of the addendum.

The following people addressed the Committee:

Mr M North            Objector

Mr J Hughes         Supporter

Councillor M Coker   Ward Councillor

Following consideration of the officers' report, presentation and addendum along with the submissions by the public addressing the Committee, the Committee were of the opinion that the application should be granted. This was because they felt that the building proposed for conversion was of permanent and substantial construction and the proposed use can be accommodated without extensive rebuilding or alteration to the external appearance of the building. It was considered that the residential amenity of nearby neighbours would not be detrimentally affected and no increased hazard to highway users would result from the development. The proposal was therefore considered to comply with the policies listed.

**RESOLVED** that, application W06/2005 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings and amended drawings unnumbered, and specification contained therein, submitted on 28th December 2006 and 22nd March 2007 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 number of riding lessons shall be restricted to 5 individual lessons Monday -Friday, 8 individual lessons Saturday and 4 on Sunday or Bank holidays. A log shall be kept of the number of lessons held each day and made available for inspection by an officer of the Planning Authority **REASON:** To accord with the terms of the application;
- (4) riding lessons shall only take place between the hours of 08.00 and 20.00 Monday -Saturday 09.00 -1300 Sunday and all bank holidays. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan;
- (5) before the use of the barn as an indoor riding school commences a scheme for replacement or modification of the rear barn doors with minimal gaps top and bottom, to improve the sound insulation and reduce the escape of noise, shall be submitted to and approved in writing by the District Planning Authority. Following approval the scheme shall be implemented accordingly. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan;

- (6) the rear entrance doors referred to in condition 5 shall be kept closed and used only as a means of escape. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan; and
- (7) no amplification system for music or announcements shall be installed or used in the barn. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.

**28. 136 COPPICE ROAD, WHITNASH**

The Committee considered an application from Mr F W Evans for the erection of a two storey side and rear extension, single storey front and rear extension and alterations to the existing garage roof.

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

This application had been deferred at Planning Committee on the 2 April 2007, to enable a site visit to take place on 28 April 2007.

The Head of Planning and Engineering had recommended that the application be granted because he felt that it complied with the following policies:

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

The following people addressed the Committee:

Mr D Bradshaw                      Objector

Following consideration of the officers' report and presentation, the Committee were of the opinion that the application should be refused because, it was overdevelopment of the site that would create an unneighbourly and overbearing impact for the immediate neighbour and would fail to harmonise with the area.

**RESOLVED** that application W07/0183 be REFUSED because, it is overdevelopment of the site that would create an unneighbourly and overbearing impact for the immediate neighbour and would fail to harmonise with the area.

**29. HOME FARM, 33 WHITNASH ROAD, WHITNASH**

The Committee considered an application from Mr & Mrs J Shoka for the demolition of an existing outbuilding; the erection of single storey extensions to the rear; insertion of a dormer window to front roofslope; the insertion of two dormer windows to the front of the existing garages; formation of an upstand to the existing well and the retention of the existing timber gates to the front entrance (part retrospective application).

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

The Head of Planning and Engineering had recommended that the application be granted because he felt 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) 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)

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

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

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

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

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

The Committee considered the additional information, which had been received after the publication of the agenda, contained within the officers' addendum

The following people addressed the Committee:

Councillor B Kirton            Ward Councillor

Following consideration of the officers' report and presentation, information within the addendum and the Ward Councillor, the Committee were of the opinion that the application be DEFERRED to allow for a site visit to take place as they felt it would be of significant benefit to them when determining the application.

**RESOLVED** that application W07/0219 be DEFERRED to allow for a site visit to take place as they felt it would be of significant benefit to them when determining the application.

**30. HOME FARM, 33 WHITNASH ROAD, WHITNASH**

The Committee considered an application from Mr & Mrs J Shokar for the demolition of an existing outbuilding; the erection of single storey extensions to rear; the insertion of dormer window in front roofslope and internal alterations (part retrospective application).

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

The Head of Planning and Engineering had recommended that the application be granted because he felt 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) 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)

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

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

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

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

The Committee considered the additional information, which had been received after the publication of the agenda, contained within the officers' addendum

The following people addressed the Committee:

Councillor B Kirton                      Ward Councillor

Following consideration of the officers' report and presentation, information within the addendum and the Ward Councillor, the Committee were of the opinion that the application be DEFERRED to allow for a site visit to take place as they felt it would be of significant benefit to them when determining the application.

**RESOLVED** that application W07/0238LB be DEFERRED to allow for a site visit to take place as they felt it would be of significant benefit to them when determining the application.

**31. ST CHADS CHURCH, CHURCH HILL, BISHOPS TACHBROOK**

The Committee considered an application from P.C.C St.Chad's Church for the erection of a single storey church hall and ancillary accommodation.

## PLANNING COMMITTEE MINUTES (Continued)

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

The Head of Planning and Engineering had recommended that the application be granted because he felt that it complied with the following policies:

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

(DW) ENV27 - Ecological Development (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) ENV22 - Evaluation of the Archaeological Effects of Development Proposals (Warwick District Local Plan 1995)

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

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

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

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

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

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

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

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

SC7 - Directing Community Facilities (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

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

The following people addressed the Committee:

Mr G Leeke                      Parish Council (Supporting)

Mr R A Brookes                Objector

Mr A Day                        Supporter

Councillor Caborn            Alternate to the Ward Councillor

Following consideration of the officers' report and presentation, the Committee were of the opinion that the application should be granted because the development was of an acceptable standard of design which was in keeping with the architectural and historic character of the Conservation Area within which the site was located, and would not adversely affect the setting of the Listed church. It was considered that the loss of the two Lime trees would be outweighed by the benefits of the proposed church hall. Furthermore, it was considered that the proposal would have an acceptable impact on the living conditions of nearby dwellings and would not be detrimental to highway safety. The proposal was therefore considered to comply with the policies listed.

**RESOLVED** that application W07/0221 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 0303/P-11A & 0303/P-12A, and specification contained therein, submitted on 16 April 2007, 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) 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;

- (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) no works or development shall take place and no machinery or materials shall be brought onto site until a scheme for the protection of the retained trees has been agreed in writing with the LPA. No works shall take place other than in accordance with this scheme. The scheme shall include:
- (a) plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (see para. 5.2.2 of BS5837:2005 *Trees in relation to construction - Recommendations*) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
  - (b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.
  - (c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998:1989, Recommendations for tree work.
  - (d) the positions (shown on the plan at paragraph (a) above) of any Ground

Protection Zones (see section 9.3 of BS5837) along with details of how ground will be protected from compaction and other damage.

(e) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (see section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase and the LPA have inspected and approved the barriers.

(f) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs, including storm and foul water (see section 11.7 of BS5837) and of the methods to be used for the installation of these.

(g) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (see para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

(h) the details of the construction and working methods to be employed for the installation of paths within the Root Protection Areas of retained trees, which must be permeable and so designed to minimise excavation.

(i) the details of the means of access to the site for all plant, machinery, materials and staff, including details of any measures to be employed to limit the size, weight or ground pressure of vehicles entering the site.

(j) the details of and location of all areas to be used for storage of plant, machinery and materials and all areas to be used for the mixing of cement and other material.

(k) the details of the location of and the method to be employed for the stationing, use and removal of site cabins.

(l) the details of tree protection measures for the hard landscaping phase.

(m) the details of the working methods to be

employed with regard to the access for and use of heavy, large or difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.

(n) details of the means by which the requirements of this condition and any document produced in accordance with it shall be communicated to staff on site and of steps to be taken to ensure that this condition is complied with throughout the construction period.

No excavation, movement of machinery or storage or mixing of materials shall take place within the Tree Protection Barriers identified at paragraph (e) above.

No work shall be carried out to any retained tree on the site other than in accordance with details submitted under paragraph (c) above.

No fires shall be lit within 10m of the outside edge of the canopy of any retained tree.

**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 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;

- (8) 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;
- (9) all rainwater goods for the development hereby permitted shall be metal. **REASON:** To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan; and
- (10) no lighting shall be fixed to the external walls or roof(s) of the building(s) hereby permitted, or on any open land within the application site 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.

**31. HURRANS GARDEN CENTRE, MYTON ROAD, LEAMINGTON SPA**

This item was withdrawn from the agenda by the Head of Planning and Engineering because comments were awaited from Warwickshire County Council on an independent traffic assessment commissioned by a number of local residents.

**32. MOORFIELDS, LEAMINGTON SPA RFC, LEAMINGTON ROAD, BLACKDOWN**

The Committee considered an application from Mercury Health Limited for the use of land for mobile healthcare facilities.

The application had been submitted to the Committee at the request of Councillor Pratt.

The Head of Planning and Engineering believed the following policies to be relevant to the application:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)  
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 Revised Deposit Version)

## PLANNING COMMITTEE MINUTES (Continued)

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

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

The following people addressed the Committee:

Mr G Dhillon Supporting

Councillor N Pratt Ward Councillor (Supporting)

Following consideration of the officers' report and presentation along with the people addressing the Committee, the Committee were of the opinion that the application should be refused in line with the recommendation of the planning officers' report.

**RESOLVED** that application W07/0272 be REFUSED because the site is situated within the Green Belt and a Special Landscape Area, where Development Plan policies seek to conserve and protect the rural landscape. Policy (DW) ENV1 of the Warwick District Local Plan 1995 states that, within the Green Belt the rural character of the area will be retained, protected, and wherever possible enhanced by safeguarding areas of mainly open countryside. Policy (DW) ENV1 goes on to state that development will only be permitted in very special circumstances, unless it is for certain defined purposes. Meanwhile, Policy (DW) ENV3 states that all development proposals will be required to harmonise with their surroundings in terms of design and land use. These policies are reflected in Policies DAP1 and DP1 of the Warwick District Local Plan 1996-2011 (Revised Deposit Version). Policy DAP1 states that there will be a general presumption against inappropriate development within the Green Belt, while Policy DP1 states that development will only be permitted which positively contributes to the character and quality of its environment through good layout and design.

The site lies within an area of open countryside where there are few buildings. The area forms part of an important, generally undeveloped and attractive gap between Leamington and Kenilworth. The existing structures on the site were justified on the grounds of being essential facilities associated with the use of the land for outdoor sport and recreation.

In the opinion of the District Planning Authority, the proposed health care facilities would represent prominent and incongruous features within this largely undeveloped site and would have an urbanising effect that would detract from the openness and rural character of the surrounding area. The proposed health care facilities would be unconnected with the current use of the site for

outdoor sport and recreation and it is considered that the proposals would represent inappropriate development within the Green Belt. Whilst noting the particular circumstances submitted in support of this application, it is not considered that they constitute very special circumstances to outweigh the harm caused by this inappropriate development.

The proposals would therefore be contrary to the aforementioned policies.

**34. 17 MOORHILL ROAD, WHITNASH**

The Committee considered an application from Mr B S Gill for the erection of a two storey rear extension, car port and single storey side extension.

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

The Head of Planning and Engineering believed the following policies to be relevant to the application:

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

The Committee considered additional information in the officers' addendum which had been received after the publication of the agenda.

The following people addressed the Committee:

Mrs J Murphy	Objecting
Councillor B Kirton	Ward Councillor (Objecting)

After considering the officers' report and presentation, along with the information contained within the addendum and representations from those addressing the Committee, the Committee felt that the determination of the application should be deferred to allow for a site visit as they felt it would be of significant benefit to them when determining the application.

**RESOLVED** that application W07/0451 be DEFERRED to allow for a site because, it would be of significant benefit to them when determining the application.

**35. 24 THICKTHORN CLOSE, KENILWORTH**

The Committee considered an application from Mr and Mrs G L Mexson for the erection of a pitched roof to side passageway, rear conservatory and dormer extension.

## **PLANNING COMMITTEE MINUTES (Continued)**

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

The Head of Planning and Engineering believed the application complied with following policies and recommended that the application be granted:

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

The Committee considered additional information in the officers' addendum which had been received after the publication of the agenda.

The following people addressed the Committee:  
Councillor N Vincett      Town Council (Objecting)

After considering the officers' report and presentation, along with the information contained within the addendum and representations from those addressing the Committee, the Committee felt that the determination of the application should be deferred to allow for a site visit as they felt it would be of significant benefit to them when determining the application.

**RESOLVED** that application W07/0476 be DEFERRED to allow for a site because, it would be of significant benefit to them when determining the application.

### **36. ADJOURNMENT OF MEETING**

The Chair adjourned the meeting of the Planning Committee held on Monday 30 April 2007 to Tuesday 1 May 2007 at 6.00pm.

(The meeting ended at 10.00pm)

### **RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING**

Minutes of the adjourned Planning Committee meeting held on Tuesday 1 May 2007 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

### **37. SHERIFFS, HOLLY WALK, BAGINTON**

The Committee considered an application from Mr J Morgan for the erection of a first floor side extension.

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

## PLANNING COMMITTEE MINUTES (Continued)

This application had been deferred at the Planning Committee on the 2 April, 2007, to enable a site visit to take place on 28 April, 2007.

The Head of Planning and Engineering had recommended that the application be granted because he felt that it complied with the following policies:

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

Following consideration of the officers' report and presentation, the Committee were of the opinion that the application should be granted because the development respects surrounding buildings in terms of scale, height, form and massing and did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

**RESOLVED** that application W07/0175 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission.  
**REASON:** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing, and specification contained therein, submitted on 21st March, 2007 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.

### 38. **CATESBY COTTAGE, CATESBY LANE, LAPWORTH**

The Committee considered an application from Mr and Mrs Greenway for the erection of a two storey side extension and a single storey front extension.

## PLANNING COMMITTEE MINUTES (Continued)

The application had been submitted to the Committee due to five objections having been received from neighbours.

A number of extension had been granted for the site and were under construction. The application that the owner wished to amend was W05/688 which showed a two storey side extension and a single storey front extension.

The Head of Planning and Engineering believed the following policies to be relevant to the application:

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

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

RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 Revised Deposit Version)

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

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

Following consideration of the officers' report and presentation, the Committee were of the opinion that the development respects surrounding buildings in terms of scale, height, form and massing and does not adversely affect the amenity of nearby residents or the openness of the green belt. The proposal is therefore considered to comply with the policies listed.

**RESOLVED** that application W07/0283 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing SK01B and specification contained therein, submitted on 16 February 2007, 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.

**39. PIG AND FIDDLE, 45 HIGH STREET, LEAMINGTON SPA**

The Committee considered an application from Mr K Murphy for the conversion of second floor from bedsits to self contained flat; internal alterations at first floor together with alterations to rear outbuildings.

The application had been submitted to the Committee due to an objection having been received from Royal Leamington Spa Town Council suggesting that the proposal was over-development of the site.

The Head of Planning and Engineering believed the following policies to be relevant to the application:

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

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

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

(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)

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

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

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

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

SC8a - Managing Housing Supply (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

TCP11 - Protecting Residential Uses on Upper Floors (Warwick District 1996 - 2011 Revised Deposit Version)

TCP12 - Upper Floors within Town Centres (Warwick District 1996 - 2011 Revised Deposit Version)

Following consideration of the officers' report and presentation, the Committee were of the opinion that the development was of an acceptable standard of design which was in keeping with the architectural and historic character of the Conservation Area within which the site was located. The proposal was therefore considered to comply with the policies listed.

**RESOLVED** that application W07/0287 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and

- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number 542-03 and specification contained therein, submitted on 15 February 2007 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.

**40. PIG AND FIDDLE, 45 HIGH STREET, LEAMINGTON SPA**

The Committee considered an application from Mr K Murphy for internal alterations to first and second floors, alterations to frontage and rear outbuildings.

The application had been submitted to the Committee due to an objection having been received from the Royal Leamington Spa Town Council suggesting that the proposal was over-development of the site.

The Head of Planning and Engineering believed the following policies to be relevant to the application:

(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)

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

Members of the committee were concerned that the applicant's plans were not of a satisfactory quality to be submitted to committee. The Planning Officer did explain that a lot of the drawings would appear lighter on the screen in the Council Chamber because they had been enlarged from the originals. Members agreed that applicants should be made aware of this when submitting their drawings.

Following consideration of the officers' report and presentation, the Committee were of the opinion that the proposed development does not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserved the character and appearance of the Conservation Area within which the property is situated. The proposal was therefore considered to comply with the policies listed.

**RESOLVED** that application W07/0288LB be GRANTED subject to the following conditions:

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing number 542-03 and specification contained therein, submitted on 15 February 2007 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 development shall be carried out on the site which is the subject of this permission until large scale details of the alterations to the doors on the front elevation of the building 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.

**41. ROSE VILLA, CASE LANE, SHREWLEY**

The Committee considered an application from P & L Wheeler and Hayward for the erection of a two storey extension to rear and single storey extension.

The application had been submitted to the Committee following an objection from the Parish Council who felt that the extension was far too large and constituted another case which defeated the 30% rule and should be rejected.

The Head of Planning and Engineering believed the following policies to be relevant to the application:

(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)

RAP3 - Extensions to Dwellings (Warwick District 1996 - 2011 Revised Deposit Version)

## PLANNING COMMITTEE MINUTES (Continued)

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

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

The Committee considered additional information in the officers' addendum which had been received after the publication of the agenda.

Following consideration of the officers' report and presentation, along with additional information in the addendum, the Committee were of the opinion that the development respected the scale, design and character of the original dwelling and did not harm the general openness or rural character of the green belt within which the property was situated. Furthermore, the development did not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

**RESOLVED** that application W07/0297 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the amended approved drawing(s) and specification contained therein, submitted on 17 April 2007, 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.

### 42. **LAND ADJACENT TO FIRS FARM, BAKERS LANE, KNOWLE**

The Committee considered an application from Marktec Ltd for a new field access through traditional timber 5-bar gate.

The application had been submitted to the Committee because an objection was received from Lapworth Parish Council who stated that there was no agricultural need identified on the application.

## PLANNING COMMITTEE MINUTES (Continued)

The Head of Planning and Engineering believed the following policies to be relevant to the application:

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

Following consideration of the officers' report and presentation, the Committee were of the opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

**RESOLVED** that application W07/0305 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004; and
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing 070107/1A and specification contained therein, submitted on 2 April 2007, 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.

### 43. **25 RADFORD ROAD, LEAMINGTON SPA**

The Committee considered a retrospective application from Mr J Shoka for change of use from dwelling into a house in multi occupation.

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

The Head of Planning and Engineering believed the following policies to be relevant to the application:

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

## PLANNING COMMITTEE MINUTES (Continued)

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

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

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

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

SC8a - Managing Housing Supply (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

Following consideration of the officers' report and presentation, the Committee were of the opinion that the development did not adversely impact on the character and appearance of the area. The proposal was therefore considered to comply with the policies listed.

**RESOLVED** that application W07/0428 be GRANTED subject to the following conditions:

- (1) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings and specification contained therein, submitted unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (2) no alterations to the elevations of the building shall be carried out on the site which is the subject of this permission, until large scale details of the new windows (including a section showing the window reveal, heads and cill details) at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** :To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan; and
- (3) all new windows hereby permitted shall be constructed in timber and painted, not stained. **REASON** :To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.

**44. 41-43 REGENT STREET, LEAMINGTON SPA**

The Committee considered a retrospective application from Naysan Mali for the retention of single storey rear extension; installation of satellite dish, CCTV camera and external lighting; new shopfront; installation of plant and equipment on flat roof; installation of extraction flue; and external alterations.

The application had been submitted to the Committee to request that enforcement action be taken.

The Head of Planning and Engineering believed the following policies to be relevant to the application:

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

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

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

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

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

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

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

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

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

Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

The client requested that the committee recommend deferral as both he and the applicant were unable to attend the meeting due to being on holiday. This would give them chance to submit a revised application. Members felt, however, that the applicant had had sufficient time to submit a revised application prior to the meeting.

Following consideration of the officers' report and presentation, the Committee were of the opinion that the application should be refused for the reasons stated in the report and that enforcement action should be taken to remove any works already undertaken.

**RESOLVED** that application W07/0455

- (1) be REFUSED because the application relates to a Grade II Listed Building that is situated within the Leamington Spa Conservation Area.

Policy (DW) ENV3 of Warwick District Local Plan 1995 requires all development proposals to achieve a high standard of design, having regard to local styles,

materials, the character of the surrounding area and of adjacent buildings, whilst Policy (DW) ENV6 states that Conservation Areas in the District will be protected from development which would have a detrimental effect upon their character or appearance. In addition, Policy (DW) ENV8 states that, within Conservation Areas, development proposals will be required to achieve a high standard of design appropriate to the historic and special architectural character of the area, whilst Policy (DW) ENV11 states that applications to alter a Listed Building in such a way as to adversely affect its character will normally be refused. These policies are reflected in Policy DP1 of the emerging Warwick District Local Plan 1996-2011 (Revised Deposit Version), which requires all development proposals to make a positive contribution to the character and the quality of its environment through good layout and design, together with Policy DAP6, which states that development will not be permitted which has an unacceptable adverse impact on a Listed Building, Policy DAP9, which states that alteration to Listed Buildings will only be permitted using traditional natural materials and appropriate colours and finishes, and Policy DAP10, which requires that development proposals protect and enhance the historic quality, character and appearance of Conservation Areas.

The District Council has also produced Planning Guidance on shopfronts and advertisements in Leamington Spa.

The application property is situated on one of the main shopping streets within Leamington Town Centre and within the Leamington Spa Conservation Area. Within such areas particular care is taken for the enhancement and preservation of the character and appearance of buildings and the street scene generally. In the opinion of the District Planning Authority the works that have been carried out cause unacceptable harm to the character and appearance of the Listed Building and the wider Conservation Area for the following reasons:

- (i) The shopfront that has been installed is inappropriate by reason of the use of non-traditional materials in the marble fascia and stallriser, combined with a non-traditional stained finish to the timber. In combination, these two non-traditional elements have created a

shopfront that is not in keeping with character and appearance of the building or the Conservation Area. The Conservation Area is characterised by painted timber shopfronts with timber fascias.

(ii) The design and form of the rear extension is not sympathetic to the character and appearance of the Listed Building. In particular, the rooflight over the stairwell to the ground floor appears as an incongruous feature on the building. Furthermore, the bricks used for the construction of the rear extension are not in keeping with the materials used in the existing building or other traditional development in the Conservation Area.

(iii) The extraction flue and other plant and machinery on the roof of the rear extension are prominent features on the building and are visible from John Street to the rear. This equipment is extensive and has a modern and utilitarian appearance that detracts from the character and appearance of the building and the Conservation Area.

The works that are the subject of this application are thereby considered to be contrary to the aforementioned policies and adopted Supplementary Planning Guidance; and

(2) enforcement action be AUTHORISED with a compliance period of three months, requiring the following:

- (i) the rear extension to be demolished;
- (ii) all the timber parts of the shopfront to be painted an appropriate colour; and
- (iii) the extraction flue and all plant and machinery on the roof to be removed.

**45. 41-43 REGENT STREET, LEAMINGTON SPA**

The Committee considered a retrospective application from Naysan Mali for the retention of single storey rear extension; installation of satellite dish, CCTV camera and external lighting; new shopfront; externally illuminated fascia sign; installation of plant and equipment on flat roof; installation of extraction flue; and external alterations.

The application had been submitted to the Committee to request that enforcement action be taken.

## PLANNING COMMITTEE MINUTES (Continued)

The Head of Planning and Engineering believed the following policies to be relevant to the application:

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)  
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)  
(DW) ENV8 - New Development within Conservation Areas (Warwick District Local Plan 1995)  
(DW) ENV11 - Retention of Listed Buildings (Warwick District Local Plan 1995)  
(DW) ENV20 - Advertising Control (Warwick District Local Plan 1995)  
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).  
DAP6 - Protection of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)  
DAP9 - Restoration of Listed Buildings (Warwick District 1996 - 2011 Revised Deposit Version)  
DAP10 - Protection of Conservation Areas (Warwick District 1996 - 2011 Revised Deposit Version)  
Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

Following consideration of the officers' report and presentation, the Committee were of the opinion that the application should be refused for the reasons stated in the report and that enforcement action should be taken to remove any works already undertaken.

**RESOLVED** that application W07/0456LB

- (1) be REFUSED because the application relates to a Grade II Listed Building that is situated within the Royal Leamington Spa Conservation Area.

Policy (DW) ENV3 of Warwick District Local Plan 1995 requires all development proposals to achieve a high standard of design, having regard to local styles, materials, the character of the surrounding area and of adjacent buildings, whilst Policy (DW) ENV6 states that Conservation Areas in the District will be protected from development which would have a detrimental effect upon their character or appearance. In addition, Policy (DW) ENV8 states that, within Conservation Areas, development proposals will be required to achieve a high standard of design appropriate to the historic and special architectural character of the area, whilst Policy (DW) ENV11 states that applications to alter a Listed Building in such a way as to adversely affect its character will normally be refused. Meanwhile, Policy (DW) ENV20 states that states that advertisements and signs which are detrimental to the amenity of the area will not be

permitted. These policies are reflected in Policy DP1 of the emerging Warwick District Local Plan 1996-2011 (Revised Deposit Version), which requires all development proposals to make a positive contribution to the character and the quality of its environment through good layout and design, together with Policy DAP6, which states that development will not be permitted which has an unacceptable adverse impact on a Listed Building, Policy DAP9, which states that alteration to Listed Buildings will only be permitted using traditional natural materials and appropriate colours and finishes, and Policy DAP10, which requires that development proposals protect and enhance the historic quality, character and appearance of Conservation Areas.

The District Council has also produced Planning Guidance on shopfronts and advertisements in Leamington Spa.

The application property is situated on one of the main shopping streets within Leamington Town Centre and within the Leamington Spa Conservation Area. Within such areas particular care is taken for the enhancement and preservation of the character and appearance of buildings and the street scene generally. In the opinion of the District Planning Authority the works that have been carried out cause unacceptable harm to the character and appearance of the Listed Building and the wider Conservation Area for the following reasons:

- (i) The signage that has been installed is inappropriate by reason of the use of non-traditional materials combined with the absence of a traditional cornice detail and the use of an exposed light fitting, which gives the signage an uncompromising modern and technical appearance which is wholly at odds with the traditional appearance of the shopfront and the established pattern of signage in this part of the Conservation Area, which is characterised by timber fascias incorporating traditional detailing with halo illumination or discrete pelmet illumination. It is considered therefore that this signage unacceptably jars with the particular character and appearance of this building and the Conservation Area generally.

(ii) The shopfront that has been installed is inappropriate by reason of the use of non-traditional materials in the marble fascia and stallriser, combined with a non-traditional stained finish to the timber. In combination, these two non-traditional elements have created a shopfront that is not in keeping with character and appearance of the building or the Conservation Area. The Conservation Area is characterised by painted timber shopfronts with timber fascias.

(iii) The design and form of the rear extension is not sympathetic to the character and appearance of the Listed Building. In particular, the rooflight over the stairwell to the ground floor appears as an incongruous feature on the building. Furthermore, the bricks used for the construction of the rear extension are not in keeping with the materials used in the existing building or other traditional development in the Conservation Area.

(iv) The extraction flue and other plant and machinery on the roof of the rear extension are prominent features on the building and are visible from John Street to the rear. This equipment is extensive and has a modern and utilitarian appearance that detracts from the character and appearance of the building and the Conservation Area.

The works that are the subject of this application are thereby considered to be contrary to the aforementioned policies and adopted Supplementary Planning Guidance.

(2) enforcement action be AUTHORISED with a compliance period of three months to require the following:

- (i) the rear extension to be demolished;
- (ii) the illuminated fascia sign to be removed;
- (iii) all the timber parts of the shopfront to be painted an appropriate colour; and
- (iv) the extraction flue and all plant and machinery on the roof to be removed.

**46. 41-43 REGENT STREET, LEAMINGTON SPA**

The Committee considered a retrospective application from Naysan Mali for the display of an externally illuminated fascia sign.

The application had been submitted to the Committee in order to request that enforcement action be taken

The Head of Planning and Engineering believed the following policies to be relevant to the application:

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

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

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

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

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

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

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

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

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

Design Advice on Shopfronts & Advertisements in Royal Leamington Spa (Supplementary Planning Guidance).

Following consideration of the officers' report and presentation, the Committee were of the opinion that the application should be refused for the reasons stated in the report and that enforcement action should be taken to remove any works already undertaken.

**RESOLVED** that application W07/0457

- (1) be REFUSED because the application relates to a Grade II Listed Building that is situated within the Leamington Spa Conservation Area.

Policy (DW) ENV3 of Warwick District Local Plan 1995 requires all development proposals to achieve a high standard of design, having regard to local styles, materials, the character of the surrounding area and of adjacent buildings, whilst Policy (DW) ENV6 states that Conservation Areas in the District will be protected from development which would have a detrimental effect upon their character or appearance. In addition, Policy (DW) ENV8 states that, within Conservation Areas, development proposals will be required to achieve a high standard of design appropriate to the historic and special architectural

character of the area, whilst Policy (DW) ENV11 states that applications to alter a Listed Building in such a way as to adversely affect its character will normally be refused. Meanwhile, Policy (DW) ENV20 states that advertisements and signs which are detrimental to the amenity of the area will not be permitted. These policies are reflected in Policy DP1 of the emerging Warwick District Local Plan 1996-2011 (Revised Deposit Version), which requires all development proposals to make a positive contribution to the character and the quality of its environment through good layout and design, together with Policy DAP6, which states that development will not be permitted which has an unacceptable adverse impact on a Listed Building, Policy DAP9, which states that alteration to Listed Buildings will only be permitted using traditional natural materials and appropriate colours and finishes, and Policy DAP10, which requires that development proposals protect and enhance the historic quality, character and appearance of Conservation Areas.

The District Council has also produced Planning Guidance on shopfronts and advertisements in Leamington Spa.

The application property is situated on one of the main shopping streets within Leamington Town Centre and within the Leamington Spa Conservation Area. Within such areas particular care is taken for the enhancement and preservation of the character and appearance of buildings and the street scene generally. In the opinion of the District Planning Authority the signage that has been installed is inappropriate by reason of the use of non-traditional materials combined with the absence of a traditional cornice detail and the use of an exposed light fitting, which gives the signage an uncompromising modern and technical appearance which is wholly at odds with the traditional appearance of the shopfront and the established pattern of signage in this part of the Conservation Area, which is characterised by timber fascias incorporating traditional detailing with halo illumination or discrete pelmet illumination. It is considered therefore that this signage unacceptably jars with the particular character and appearance of this building and the Conservation Area generally.

The sign that has been installed causes unacceptable harm to the character and appearance of the Listed

Building and the wider Conservation Area and it is thereby considered to be contrary to the aforementioned policies and adopted Supplementary Planning Guidance; and

- (2) enforcement action be AUTHORISED requiring the illuminated fascia sign to be removed within a compliance period of three months.

**47. 16 SMITH STREET, WARWICK**

The Committee considered a report from the Head of Planning and Engineering requesting enforcement action be taken against Mr C Laird for the installation of an externally fitted white steel security shutter.

The Head of Planning and Engineering believed the following policies to be relevant to the case:

[DW] ENV 11 Retention of Listed Buildings [Warwick District Local Plan 1995]  
DAP 6 Protection of Listed Buildings [Warwick District Local Plan 1996-2011 Revised deposit Version]  
WDC Supplementary Policy Guidance on Shopfront Security.

The Committee felt that it was important to stick to Planning Policy as any exceptions could lead to a flood of applications for similar security shutters throughout Warwick.

Following consideration of the officers' report and presentation, the Committee were of the opinion that enforcement action should be authorised.

**RESOLVED** that enforcement action ENF/455/42/04 be AUTHORISED requiring the externally mounted security shutter and mechanism housing to be removed in their entirety and the original frame of the entrance door be made good, with a compliance period of two months.

**48. 87 GOLF LANE, WHITNASH, LEAMINGTON SPA**

The Committee considered a report from the Head of Planning and Engineering requesting that enforcement action be taken against Mr Virk for the erection of rear raised patio area.

The Head of Planning and Engineering believed the following policies to be relevant to the case:

[DW] ENV 3 Development Principles [Warwick District Local Plan 1995]  
DP1 Layout and Design [Warwick District Local Plan 1996 – 2011 Revised Deposit Version]

Following consideration of the officers' report and presentation, the Committee were of the opinion that enforcement action should be authorised.

**RESOLVED** that enforcement action ENF/221/19/05 be **AUTHORISED** to ensure the raised patio area is demolished in its entirety and the materials removed from the land, with a compliance period of two months.

**49. BRITISH HEART FOUNDATION SHOP, 79 REGENT STREET, LEAMINGTON SPA**

The Committee considered a report from the Head of Planning and Engineering requesting that enforcement action be taken against the British Heart Foundation Shop for the installation of an unauthorised shop fascia sign.

The Head of Planning and Engineering believed the following policies to be relevant to the case:

[DW] ENV 3 Development Principles [Warwick District Local Plan 1995]

[DW] ENV 6 Protection and Enhancement of Conservation Areas [Warwick District Local Plan 1995]

[DW] ENV 11 Protection of the Character of Listed Buildings [Warwick District Local Plan 1995]

[DW] ENV 20 Signs detrimental to the Amenity of the Area [Warwick District Local Plan 1995]

DP1 Layout and Design [Warwick District Local Plan 1996 – 2011 Revised Deposit Version]

DAP 6 Protection of Listed Buildings [Warwick District Local Plan 1996-2011 Revised deposit Version]

DAP 10 Protection of Conservation Areas [Warwick District Local Plan 1996-2011 Revised Deposit Version]

Following consideration of the officers' report and presentation, the Committee were of the opinion that enforcement action should be authorised.

**RESOLVED** that enforcement action ENF 296/25/05 be **AUTHORISED** requiring the sign to be removed and the fascia made good and painted a plain 'magnolia' colour, with a period of compliance of two months.

**50. LAND REAR OF CANAL COTTAGE, CHAPEL LANE, LAPWORTH**

The Committee considered a report from the Head of Planning and Engineering requesting that enforcement action be authorised against Mr R Ingall for the change of use of land from paddock to garden land.

The Head of Planning and Engineering believed the following policies to be relevant to the case:

[DW] ENV1 Green Belt [Warwick District Local Plan 1995]

DAP 1 Protecting the Green Belt [Warwick District Local Plan 1996 – 2011 Revised Deposit Version]

## PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the officers' report and presentation, the Committee were of the opinion that enforcement action should be authorised. It was suggested that it was unfair to not allow the owner to use the area of land as garden but the majority of members believed it more important to protect the land from any development in the future.

**RESOLVED** that enforcement action ENF 096/10/07 be **AUTHORISED** requiring that the use of the land as domestic garden curtilage ceases and it be returned to agricultural use, with a period of compliance of one month.

### 51. **TREE PRESERVATION ORDER 322 - CATESBY COTTAGE, LAPWORTH STREET, LAPWORTH**

The Committee considered a report from Warwick District Council's Tree Protection Officer for a provisional Tree Preservation Order – TPO 322 for three individual trees: T1- Horse Chestnut, T2 Horse Chestnut, T3 Corsican Pine

The application had been submitted to the Committee because objections were received from two neighbours claiming that branches from T1 were 'in poor condition and needed removing' and 'posed an immediate danger due to damaged branches'.

The Tree Protection Officer reported that the trees on the Catesby Cottage site did have some branches that had been trimmed and protruded from over the car parking area of Catesby House. Permission had been sought and granted to do the necessary remedial works to abate this danger. The tree in question T1 was in good condition and there was no visible sign of danger to the surrounding area.

The trees were a significant amenity resource for the area and should be protected to ensure that their natural and pleasing form was protected for the long term and not jeopardised by unnecessary or unsympathetic pruning.

Following consideration of the officers' report and presentation, the Committee were of the opinion that the Tree Preservation Order should be confirmed.

**RESOLVED** that TPO 322 be **CONFIRMED** to protect the 2 Horse Chestnuts and 1 Corsican Pine along the driveway of Catesby Cottage.

### 52. **TREE PRESERVATION ORDER 323 - SUNSHINE CLOSE (HIGHWAY LAND), KENILWORTH**

The Committee considered a report from Warwick District Council's Tree Protection Officer for a provisional Tree Preservation Order 323 for an individual Wellingtonia situated on Highway Land adjacent to 4 Sunshine Close.

The application had been submitted to the Committee because an objection was received from residents on the grounds that the tree was 'far too big for situation' and 'threatened surrounding properties'. In response to this objection, the Tree Protection Officer reported that:

“It was considered that this is a very large tree in Sunshine Close, however; this was not considered a negative aspect. There was ample space around the tree to walk or drive a car. The only damage caused by the tree had been to no. 4 Sunshine Close’s garden wall that was repaired. There was no direct evidence to show that the sheer size of the tree was having an adverse effect on the surrounding area, on the contrary the tree was a superb specimen, arguably the tallest in Kenilworth and an iconic specimen that would be greatly missed if it were to be removed.

There was an element of risk with all trees. This risk was generally managed where necessary to abate any inherent dangers. There had been instances in the past of two known failures in the last twenty years, and both had been in very inclement weather such as high winds. Being a County Council tree, it was under regular inspection from both Warwick District Council and Warwickshire County Council, who were both in agreement that the tree was safe and did not require any remedial works at this time. Furthermore, the Forestry Commission had also concurred with the District and County Councils view that the tree was of sound health.”

Another neighbour submitted their support on the grounds that it was ‘a fine specimen tree, possibly the biggest in Kenilworth’; ‘beautiful asset that enriches the environment’; and ‘the tree attracts lots of birds’.

The Tree Protection Officer reported that the tree had a positive affect on the area and its removal or reduction in height would be a loss not only to Sunshine Close, but the surrounding area. It met the criteria for a Tree Preservation Order and should be protected to preserve this significant amenity feature.

Following consideration of the officers’ report and presentation, the Committee were of the opinion that the Tree Preservation Order should be confirmed.

**RESOLVED** that Tree Preservation Order 323 be CONFIRMED to protect the Wellingtonia in Sunshine Close.

**53. DEVELOPMENT CONTROL PERFORMANCE STATISTICS**

The Committee received a report from the Planning and Engineering Business Unit advising them of the Development Control Performance Statistics.

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

The relevant government targets for these indicators were:-

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

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

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

## PLANNING COMMITTEE MINUTES (Continued)

Meeting the above targets was reflected in the Planning Delivery Grant awarded by government to local planning authorities. This would amount to £100,000, £50,000 and £50,000 respectively for each target and a further £50,000 if all three targets were met. (These amounts increased for performance above the targets).

The performance figures for the quarter year ending 31 December 2006 were attached to the report.

Following consideration of the officers' report the Committee were of the opinion that the performance figures should be noted.

**RESOLVED** that the performance figures for the quarter be noted.

### 54. **APPEAL PERFORMANCE FOR QUARTER 4 2006-07**

The Committee received a report from the Planning and Engineering Business Unit advising them of the current appeal performance and decisions received.

The statistics related to the national best value performance indicator BV 204 - % of appeals allowed against refusals of planning permission. The government indicated that PDG award may be abated in the event of the rate of appeals being allowed being 40% more than the numbers allowed nationally.

Performance over the full year had been very good with 12 appeals against refusals of planning permission allowed and 38 dismissed. The annual performance for the indicator was therefore a 76% dismissal rate against a national average of around 66%.

A table showing all cases allowed or dismissed in Quarter 4 was attached to the report. Quarter 1, 2 and 3 details were included on the 2<sup>nd</sup> August, 1<sup>st</sup> November and 31<sup>st</sup> January Planning Committee agendas.

Following consideration of the officers' report the Committee were of the opinion that the performance figures for the quarter and year end be noted.

**RESOLVED** that the performance figures for the quarter and year end be noted.

### 55. **THANKS**

As this was the final meeting for some of the members of the Planning Committee and the committee had reached the end of its' four year cycle, some members thought it appropriate that thanks should be recorded within the minutes.

Councillor Jose Compton expressed her disappointment at her gratitude not being recorded in the minutes at previous committees and was assured that hers and the other members comments would be recorded.

**PLANNING COMMITTEE MINUTES (Continued)**

Councillor Mrs Knight expressed thanks to both, the Chair, Councillor Richard Tamlin and Councillor Jose Compton who would not be standing for the District Council at the forthcoming elections. She wished them well for the future and thanked them for their help and hard work over the past year.

The Chair, Councillor Richard Tamlin then closed the meeting by expressing his gratitude to the committee and officers for their hard work and dedication over the past four years.

(The meeting ended at 7.45 pm)