

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 28 October 2009 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

217. DECLARATIONS OF INTEREST

Minutes Number – W09/0779 LB – The Kozi Bar, 62 Market Place, Warwick

Councillor Mrs Higgins declared a personal interest because the site of the application was in her Ward.

Minute Number – W09/0907 – 38 High Street, Kenilworth

Councillor Mrs Blacklock declared a personal interest because the neighbours objecting were known to her.

Minute Number – W09/0908 LB – 38 High Street, Kenilworth

Councillor Mrs Blacklock declared a personal interest because the neighbours objecting were known to her.

Minute Number – W09/1092 – Land west of Curlieu Lane & north of Morgan Close, Norton Lindsey

Councillor Rhead declared a personal interest because the site of the application was in his Ward.

Minute Number – W09/1093 – 38-40 Market Place, Warwick

Councillor Mrs Higgins declared a personal interest because the site of the application was in her Ward.

Minute Number - W09/1096 – Land to rear of 68 Windy Arbour, Kenilworth

Councillor Mrs Blacklock declared a personal interest because the speakers were known to her.

Councillor Mrs Bunker declared a personal interest because the site of the application was in her Ward.

Councillor Illingworth declared a personal interest because the supporter was known to him.

PLANNING COMMITTEE MINUTES (Continued)

The Chairman agreed to withdraw item 21 (W09/1152) and item 22 (W09/1158) from the agenda, relating to Land to rear of 29 Windy Arbour, Kenilworth. This was due to discrepancies relating to final dates for objections to be received. It was agreed that the item would be heard at a future meeting.

218. MINUTES

The minutes of the meeting held on 7 October 2009 were confirmed as a correct record with one amendment that the word 'service' should be replaced with the word 'surface'.

219. W09/0221 – 38 CONWAY ROAD, LEAMINGTON SPA

The Committee considered an application from Mr Davies for the four number two bedroom dwellings after demolition of existing dwelling, house and garage block.

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

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

Distance Separation (Supplementary Planning Guidance)
Vehicle Parking Standards (Supplementary Planning Document)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
Sustainable Buildings (Supplementary Planning Document - December 2008)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

The following people addressed the Committee:

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| Mrs Aitken | Objector |
| Mr R Brabban | Supporter |
| Councillor Gifford | Ward Councillor (Objecting) |

PLANNING COMMITTEE MINUTES (Continued)

The application was considered in conjunction with application W09/0912 CA (Minute Number), which was the next item on the agenda. Therefore, the public speakers who addressed the Committee with regard this application also made their comments in relation to that application and only addressed the Committee once.

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

It was proposed and duly seconded that the application should be refused on the grounds that the development was too large for the site therefore diminishing the quality of the amenity of the properties. As the site was in a conservation area it was also felt that the new development did not demonstrate that it would be an improvement on the current dwelling and was therefore contrary to Policy DP6 of the Warwick District Local Plan.

This vote was won eight votes to one, with one abstention from Councillor Mackay who did not attend the site visit.

RESOLVED that application W09/0221 be REFUSED for the following reasons:

- (1) it is a cramped, contrived form of over intensive development in the Conservation Area and the site is dominated by built development and parked cars with very limited open space;
- (2) there is an inadequate level of amenity for occupiers of the development; and
- (3) the application Conflicts with DP6 which requires safe and convenient access for new development.

220. W09/0912CA – 38 CONWAY ROAD, LEAMINGTON SPA

The Committee considered an application from Mr Davies for the demolition of dwellinghouse and garage block.

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

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

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

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

The following people addressed the Committee:

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| Mrs Aitken | Objector |
| Mr R Brabban | Supporter |
| Councillor Gifford | Ward Councillor (Objecting) |

It was proposed and duly seconded that the application should be refused on the grounds that the development was too large for the site therefore diminishing the quality of the amenity of the properties. As the site was in a conservation area it was also felt that the new development did not demonstrate that it would be an improvement on the current dwelling and was therefore contrary to Policy DP6 of the Warwick District Local Plan.

This vote was won eight votes to one, with one abstention from Councillor Mackay who had not attended the site visit.

RESOLVED that application W09/0221 be REFUSED for it would be inappropriate to grant consent for demolition without agreed scheme for redevelopment.

221. W09/09779LB – THE KOZI BAR, 62 MARKET PLACE, WARWICK

The Committee considered an application from Mr Simons for the painting of shop front and brickwork on front elevation and an application of hand painted lettering to fascia. This was a retrospective application.

The application was presented to Committee following an objection from Warwick Town Council having been received.

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

DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
Design Advice on Shopfronts & Advertisements in Warwick (Advisory Leaflet).

The case officer was of the opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building and was of an acceptable standard of design and detailing. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

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| Mrs Hodgetts | Objector (CAAF) |
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Following consideration of the officer's report and presentation and the representations made by the objector it was proposed and duly seconded that the application be refused contrary to the officer's recommendation. The vote was won nine in favour of refusal. However the Committee were minded that

PLANNING COMMITTEE MINUTES (Continued)

any enforcement action may result in further damage to the fascia of the listed building. Therefore, it was proposed and duly seconded that an amendment to the motion be voted on for deferral of the application whilst further advice was taken regarding appropriate enforcement action. The vote was taken and won seven for and two against.

RESOLVED that application W09/09779 LB be **DEFERRED** for expert advice on methods of removal of paint from upper part of building (which committee considers unacceptable).

222. W09/0907 – 38 HIGH STREET, KENILWORTH

The Committee considered an application from Professor M Archer for the erection of an infill extension, internal alterations, replacement of external door to frontage and new external door to rear.

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

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

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

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

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

The case officer was of the opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserves 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.

The following people addressed the Committee:

Mrs Hodgetts Objector (CAAF)

The application was considered in conjunction with application W09/0908 LB (Minute Number 200), which was the next item on the agenda. Therefore, the public speakers who addressed the Committee with regard this application also made their comments in relation to that application and only addressed the Committee once.

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

RESOLVED that application W09/0907 be **GRANTED** subject to the following conditions:

PLANNING COMMITTEE MINUTES (Continued)

- (1) The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) PL02 B, and specification contained therein, submitted on 15th October 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) No development shall be carried out on the site which is the subject of this permission, until large scale details of the doors and cornice at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011; and
- (4) No development shall be carried out on the site which is the subject of this permission, until details of the render (including colour) and structural support to the first floor above the enlarged lounge have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011.

223. W09/0908 LB – 38 HIGH STREET, KENILWORTH

The Committee considered an application from Professor M Archer for the erection of an infill extension, internal alterations, replacement of external door to frontage and new external door to rear.

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

The case officer was of the opinion that the proposed development did not adversely affect the historic integrity, character or setting of the listed building and was of an acceptable standard of design and detailing. The proposal was therefore considered to comply with the policy listed.

The following people addressed the Committee:

Mrs Hodgetts Objector (CAAF)

The application was considered in conjunction with application W09/0907 (Minute Number), which was the previous item on the agenda. Therefore, the public speaker who addressed the Committee with regard this application also made their comments in relation to that application and only addressed the Committee once.

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

RESOLVED that application W09/0908 LB be GRANTED subject to the following conditions:

- (1) The works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) PL02 B, and specification contained therein, submitted on 15th October 2009 unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) No development shall be carried out on the site which is the subject of this permission, until large scale details of doors and cornice at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development

PLANNING COMMITTEE MINUTES (Continued)

shall not be carried out otherwise than in full accordance with such approved details.

REASON : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011; and

- (4) No development shall be carried out on the site which is the subject of this permission, until details of the render (including colour) and structural support to the first floor above the enlarged lounge have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** :To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

224. W09/1063 – THE COTTAGE, THE LITTLE WHITE HOUSE, FIVE WAYS ROAD, SHREWLEY

The Committee considered an application from Mr and Mrs Buckingham and Sturdivant for the erection of a replacement dwelling.

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

- DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- RAP3 - Replacement Dwellings (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the application be refused on the grounds that the property was within the Green Belt, wherein the Planning Authority was concerned to ensure that the openness and rural character of the area would be retained and protected in accordance with national policy guidance contained in PPG2 "Green Belts" and policy DAP1 of the Warwick District Local Plan 1996-2011. It was considered that the proposed dwelling would be materially larger than the existing dwelling in scale, design, bulk and mass, and would be likely to detrimentally affect the openness and character of this rural locality. The proposed development would thereby constitute inappropriate development conflicting with the aims of Green Belt and Local Plan policy, and it was considered that very special circumstances to justify such inappropriate development had not been demonstrated.

PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

Mrs Sturdivant Applicant
Councillor Mrs Gallagher Ward Councillor (supporting)

Following consideration of the officer's report and presentation and the representations made the Committee were of the opinion that the application should be refused.

RESOLVED that application W09/1063 be REFUSED for the following reasons:

The property, subject of the application, is within the Green Belt, wherein the Planning Authority is concerned to ensure that the openness and rural character of the area will be retained and protected in accordance with national policy guidance contained in PPG2 "Green Belts" and policy DAP1 of the Warwick District Local Plan 1996-2011. The PPG states that the replacement of existing dwellings may not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces, whilst policy RAP3 of the Warwick District Local Plan 1996-2011 sets out the criteria under which replacement dwellings will be permitted, and states that any replacement must not be materially larger, and have no greater impact on the character and openness of the rural area.

It is considered that the proposed dwelling would be materially larger than the existing dwelling in scale, design, bulk and mass, and would be likely to detrimentally affect the openness and character of this rural locality. The proposed development would thereby constitute inappropriate development conflicting with the aims of Green Belt and Local Plan policy, and it is considered that very special circumstances to justify such inappropriate development have not been demonstrated.

225. W09/1103 – HOME FARM, 33 WHITNASH ROAD, WHITNASH

The Committee considered an application from Mr J Shoka for alterations to the existing detached garage to provide ancillary accommodation for dependent relative including the erection of a single storey side extension; installation of rooflight in rear roofslope and installation of glazing and doors in place of garage doors in front elevation.

The application was presented to Committee because an objection had been received from Whitnash Town council. It had also been requested to be presented to Committee by Councillor Kirton.

PLANNING COMMITTEE MINUTES (Continued)

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

Distance Separation (Supplementary Planning Guidance)
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

The case officer was of the opinion that the proposed development did 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 was situated. Furthermore, the development did not result in an unacceptable adverse impact on the amenity of nearby residents by reason of overbearing effect, loss of light or privacy. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Councillor Heath Ward Councillor (objecting)

It was agreed and duly seconded that the application be granted, the vote was taken and lost two votes to eight. Following further discussion it was proposed and duly seconded that the application be refused as Members' felt it was detrimental to the setting of a listed building, however, this decision could not be substantiated with planning reasons. **It was proposed, duly seconded and resolved that a second vote be taken. The second vote resulted in the application being granted by six votes to four.**

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

RESOLVED that application W09/1103 be GRANTED subject to the following conditions:

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

PLANNING COMMITTEE MINUTES (Continued)

shown on the approved drawing(s) 02A, and specification contained therein, submitted on 14 October 2009, unless first agreed otherwise in writing by the District Planning Authority.

REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) 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 DAP4 of the Warwick District Local Plan 1996-2011;
- (4) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (5) All window and door frames and all doors shall be constructed in timber. **REASON** : To ensure a high standard of design and appearance for this Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;
- (6) Prior to the occupation of the development hereby permitted, the rooflight in the north-facing elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening. The obscured glazed rooflight shall be retained and maintained in that condition at all times. **REASON** : To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (7) Prior to the occupation of the development hereby permitted, a 1.8m high close-boarded

PLANNING COMMITTEE MINUTES (Continued)

fence shall be erected along the northern boundary of the application site alongside the garden of No. 129 Palmer Road, to match the existing close-boarded fence along the western boundary of the application site. **REASON** : To protect the privacy of users and occupiers of nearby properties and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and

- (8) The residential accommodation hereby permitted shall only be occupied by members or relatives of the family occupying the main dwelling house. **REASON** : For the avoidance of doubt and to protect the character and appearance of the Listed Building and the Conservation Area, in accordance with Policies DP4 and DP8 of the Warwick District Local Plan 1996-2011.

226. W09/1092 – LAND WEST OF CURLIEU LANE AND WEST OF MORGAN CLOSE, NORTON LINDSEY

The Committee considered an application from Warwickshire Rural Housing for the construction of a new vehicular cross over and pavement on highways land for proposed housing in Stratford District.

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

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

DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP6 - Access (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development did not unacceptably harm the general openness or rural character of the green belt within which the property was situated, and would not lead to a serious adverse impact on the public highway. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

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| Mr Mountney | Objector |
| Mr Primrose | Objector |

PLANNING COMMITTEE MINUTES (Continued)

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

RESOLVED that application W09/1092 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) (4627:1), and specification contained therein, submitted on 2 September 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 120.0 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (4) The development shall not be commenced until an access for vehicles has been provided to the site not less than 5.0 metres in width at any point, 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 DP6 of the Warwick District Local Plan 1996-2011;
- (5) The access to the site for vehicles shall not be

PLANNING COMMITTEE MINUTES (Continued)

used until it has been provided with not less than 6.0 metre kerbed radius turnouts on each side.

REASON : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;

- (6) The access to the site for vehicles shall not be used unless a bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (7) The development shall not be occupied until all parts of the existing access within the public highway not included in the permitted means of access have been closed and the kerbline and verge/footway has been reinstated in accordance with the standard specification of the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (8) The gradient of the access for vehicles to the site shall not be steeper than 1 in 36 at any point, as measured from the near edge of the public highway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (9) The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (10) The layout of the estate road serving the development including footways, verges, 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** : To ensure compliance with the Council's standards, in accordance with the requirements of Policy

PLANNING COMMITTEE MINUTES (Continued)

DP6 of the Warwick District Local Plan 1996-2011;

- (11) The construction of the estate road serving the development including footways and verges shall not be other than in accordance with the standard specification of the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (12) No dwelling shall be occupied until the estate roads including footways serving it have been laid out and substantially constructed to the satisfaction of the Highway Authority in accordance with the details approved in writing by the Local Planning Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (13) Before the development is commenced, the further written approval of the Local Planning Authority shall be obtained for the design of the estate roads layout serving the development including footways, verges and private drives. These details shall include large scale plans and sections showing the layout, vertical alignment, and surface water drainage details including the outfalls. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

227. W09/1093 – 38-40 MARKET PLACE, WARWICK

The Committee considered an application from Rellew Finance Ltd for proposed change of use of part of the ground floor area from A1 (retail) to A3 (Restaurants and Cafes).

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

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

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

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

TCP4 - Primary Retail Frontages (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development achieved an acceptable standard of layout and design and did not give rise to any harmful

PLANNING COMMITTEE MINUTES (Continued)

effects in terms of impact on the retail frontage which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

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| Mrs Hodgetts | CAAF (objecting) |
| Mr Davies | Supporter |
| Miss Jarman | Supporter |

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

RESOLVED that application W09/1093 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 no. 06106/0102, and specification contained therein, submitted on 1st September 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

228. W09/1096 – LAND TO THE REAR OF 68 WINDY ARBOUR, KENILWORTH

The Committee considered an application from Mr Insley for alterations and extension of existing garage/caravan port building to form a dwelling.

The application was presented to Committee because objections had been received from Kenilworth Town Council and other parties.

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

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP5 - Density (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)
DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
SC10 - Managing Housing Supply (Warwick District Local Plan 1996 - 2011)
UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development achieved an acceptable standard of layout and design and did not give rise to any harmful effects in terms of loss of residential amenity which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

The following people addressed the Committee:

Mrs Pollard Objector

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

RESOLVED that application W09/1096 be REFUSED for the following reasons:

Cramped form of development with inadequate space around the dwelling detrimental to neighbours amenities and to the character of the area, contrary to DP1 and DP2.

229. W09/0354 – MITIE SECURITY, NELSON LANE, WARWICK

The Committee considered an application from Mr Banner for the installation of storage container (6.09m x 2.44m x 2.62m) on car park. This was a retrospective application.

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

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

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of loss of residential or visual amenity which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

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

RESOLVED that application W09/0354 be GRANTED subject to the following condition:

- (1) This permission shall be limited to a period of time expiring on 31 October 2012. The container shall be removed and the site restored to its former condition at or before the expiration of the period specified in this permission. **REASON** : The building is constructed of materials of a temporary nature, which are likely to deteriorate and become unsightly and thereby cause the building to become injurious to the visual amenities of the area and to satisfy Policy DP1 of the Warwick District Local Plan 1996-2011.

230. W09/0993 – HOLIDAY INN EXPRESS, STRATFORD ROAD, WARWICK, CV34 6TW

The Committee considered an application from Somerston Hotels for the display of five number internally illuminated signs.

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

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

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

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

The case officer was of the opinion that the proposals would not detract from the character and appearance of the area or adjacent Listed Building, and would not be detrimental to public safety. The proposals were therefore considered to comply with the policies listed.

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

RESOLVED that application W09/0993 be GRANTED subject to the following condition:

- (1) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) Planning Sheet 2 of 4, 3 of 4 and 4 of 4, and specification contained therein, submitted on 8th October 2009

PLANNING COMMITTEE MINUTES (Continued)

unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

231. W09/1075 – 57 FRANKLIN ROAD, WHITNASH, LEAMINGTON SPA

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

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

RESOLVED that application W09/1075 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) 1846/2/B, and specification contained therein, submitted on 9 October 2009, except as required by Condition 3 below, and unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to

PLANNING COMMITTEE MINUTES (Continued)

secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) Prior to the occupation of the development hereby permitted, the first floor ensuite bathroom window in the south-east elevation of the two storey side extension hereby permitted shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window shall be retained and maintained in that condition at all times.
REASON : To protect the privacy of users and occupiers of nearby properties and or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011; and
- (4) 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 windows other than those expressly authorised by this permission, shall be placed at any time at first floor level in the south-east facing elevation of the two storey rear extension hereby permitted. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

232. W09/1107 – 129 CUBBINGTON ROAD, LILLINGTON, LEAMINGTON SPA

The Committee considered an application from Miss Perdikouri for the erection of first floor side extension and single storey rear extension.

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

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

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

PLANNING COMMITTEE MINUTES (Continued)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

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

Following consideration of the officer's report and presentation and the information contained within the addendum the Committee were of the opinion that the application should be granted subject to the conditions in the report.

RESOLVED that application W09/1107 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 number 665/01B, and specification contained therein, submitted on 7 September 2009 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

233. W09/1108 – GREYHOUND INN, 204 EMSCOTE ROAD, WARWICK

The Committee considered an application from Mr Sohal for the installation of an external duct and kitchen extract system.

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

PLANNING COMMITTEE MINUTES (Continued)

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

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

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

The case officer was of the opinion that the development achieved acceptable standards of layout and design and did not give rise to any harmful effects in terms of loss of residential or visual amenity which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officer's report and presentation, and information contained within the addendum, the Committee were of the opinion that the application should be refused contrary to the recommendations in the report.

RESOLVED that application W09/1108 be REFUSED because it was deemed detrimental to the visual amenity of the area and contrary to DP1 of the Warwick District Local Plan 1996 - 2011.

234. W09/1126 – 42 RANDALL ROAD, KENILWORTH

The Committee considered an application from Mr Theara for the erection of two storey side and rear extension and single storey rear extension.

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

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

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

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

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

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

RESOLVED that application W09/1126 be GRANTED subject to the following conditions:

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

PLANNING COMMITTEE MINUTES (Continued)

the Planning and Compulsory Purchase Act 2004;

- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing DA 292446, and specification contained therein, submitted on 11th September, 2009 unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and
- (3) Prior to the occupation of the development hereby permitted, the first window in the West elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed window shall be retained and maintained in that condition at all times. **REASON** : To protect the privacy of users and occupiers of nearby properties and/or the privacy of future users and occupiers of the development hereby permitted and to satisfy the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011.

235. W09/1183 – 16 OLD BUDBROOKE ROAD, BUDBROOKE

The Committee considered an application from Mr Walsh for the erection of two storey side extension, after demolition of garage.

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

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

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

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

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

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

The case officer was 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/rural area within which the property was situated. The proposal was therefore considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

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

RESOLVED that application W09/1183 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 no. 672-04, and specification contained therein, submitted on 24th September 2009 unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

236. APPEAL & PERFORMANCE QUARTER 2 2009- 2010

The Committee received a report from the Planning Department informing Members' of the information on Appeal Decisions for Quarter 2 of 2009-2010.

RESOLVED that the contents of the report be noted.

237. CLG PLANNING STATISTICS QUARTER 1 2009- 2010

The Committee received a report from the Planning Department informing Members' of the information on Planning Applications for Quarter 1 of 2009-2010.

RESOLVED that the performance figures for the quarter be noted.

(The meeting ended at 10.05 pm)