

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 31 January 2007 at the Town Hall, Royal Leamington Spa at 6.00 p.m.

PRESENT: Councillor Tamlin (Chair); Councillors Ashford, Mrs Begg, Mrs Blacklock, Mrs Bunker, Mrs Compton, Mrs Hodgetts, Kinson and Mrs Knight.

(Councillor Mrs Begg substituted for Councillor Ms De-Lara-Bond and Councillor Mrs Hodgetts substituted for Councillor MacKay).

784. DECLARATIONS OF INTEREST

Minute Number 786 - W06/1825 – 36 Shakespeare Avenue, Warwick

Councillors Ashford, Mrs Begg, Mrs Blacklock, Mrs Bunker, Mrs Compton, Mrs Hodgetts, Kinson, and Mrs Knight declared personal interests because the land of the application site was owned by Warwick District Council.

Councillor Tamlin declared a personal interest because not only was the land of the application site owned by Warwick District Council, but also the speaker on behalf of the applicant was known to him.

Minute Number 790 – W06/1941 – Kenilworth Castle (Brays Car Park), Castle Road, Kenilworth

Councillor Mrs Bunker declared a personal interest because she was a member of Kenilworth Town Council.

Councillor Mrs Blacklock declared a personal interest because she was Ward Councillor for the application site and a member of Kenilworth Town Council.

Councillor Mrs Hodgetts declared personal and prejudicial interest because she had previously considered the application with the Conservation Area Advisory Forum and left the room while the item was considered.

Minute Number 791 – W06/1949 – Plot 6, Fieldgate Lawn, Fieldgate Lane, Kenilworth

Councillor Mrs Blacklock declared a personal interest because she was Ward Councillor for the application site and had been acquainted with neighbours and objectors.

Councillor Mrs Hodgetts declared a personal and prejudicial interest because she had previously considered the application with the Conservation Area Advisory Forum and left the room while the item was considered.

PLANNING COMMITTEE MINUTES (Continued)

Minute Number 797 – W06/1852 – 2 Rawnsley Drive, Kenilworth

Councillor Mrs Bunker declared a personal interest because the application site was within her ward.

Minute Number 798 – W06/1865 – 45 Avenue Road, Leamington Spa

Councillor Mrs Hodgetts declared a personal and prejudicial interest because she had previously considered the application with the Conservation Area Advisory Forum and left the room while the item was considered.

Minute Number 799 – W06/1866 – 45 Avenue Road, Leamington Spa

Councillor Mrs Hodgetts declared a personal and prejudicial interest because she had previously considered the application with the Conservation Area Advisory Forum and left the room while the item was considered.

Minute Number 800 – W06/1880 – 67 Crown Way, Lillington, Leamington Spa

Councillors Ashford, Mrs Begg, Mrs Blacklock, Mrs Bunker, Mrs Compton, Mrs Hodgetts, Kinson, Mrs Knight and Tamlin declared personal interests because the land of the application site was owned by Warwick District Council.

Minute Number 807 – ENF 200/20/06 – Spinney Farm, Banbury Road, Bishops Tachbrook

Councillor Tamlin declared a personal interest because he had previously visited the application site.

785. 100 LEWIS ROAD, RADFORD SEMELE, LEAMINGTON SPA

The Committee considered an application from Mr & Mrs Morey for the erection of a two storey extension, single rear storey extension and the installation of rear dormer window

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

The Head of Planning and Engineering had recommended that the application be granted, subject to conditions, because he felt that it complied with the relevant policies listed below:

(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 addressed the Committee:

Mr J Burgess – Objector

Mrs S Morey - Applicant

After considering the officers' report and presentation along with the representations from the public speakers, the Committee were of the opinion that the application should be granted in line with the planning officers' recommendation.

RESOLVED that application W06/1768 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) 1570/1, and specification contained therein, submitted on 17th January 2006 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;

786. 36 SHAKESPEARE AVENUE, WARWICK

The Committee considered an application from Mr & Mrs Dhesi for a change of use from A1 (retail) to A5 (hot food takeaway).

The application was deferred at the meeting on 10th January 2007 for consultation with the Police, the Community Safety Officer and Housing Services. The consultations had been sent and responses requested by the Committee to this meeting. The report was submitted previously considered but updated to include the comments in the addendum report. It was confirmed that the property was owned by the Council.

The application was presented to Committee because of the number of individual objections and an objection from Warwick Town Council.

PLANNING COMMITTEE MINUTES (Continued)

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

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) S7 - Local Shopping Centres (Warwick District Local Plan 1995)
UAP4 - Protecting Local Shopping Centres (Warwick District 1996 - 2011 Revised Deposit Version).

The Committee also considered information in the addendum which was circulated at the meeting.

The following addressed the Committee:

Mr M S Zonouzi – Objector

Mr P Kenny – Objector

Mrs L Tomkins – On behalf of Applicant

After considering the officers' report and presentation along with the representations from the public speakers, the Committee were of the opinion that the application should be granted in line with the planning officers' recommendation subject to an amended closing time of 18:00.

RESOLVED that application W06/1825 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 001, and specification contained therein, received on 14th November 2006 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 details of a fume extraction system have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.

REASON : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan; and

- (4) The premises shall only be open to the public between the hours of 0800 and 1800.

REASON: To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.

787. 40 HAMILTON ROAD, RADFORD SEMELE

The Committee considered an application, which was a re submission W06/1250, from Mr & Mrs Marron for the erection of a two storey side and rear extension.

The application was presented to Committee because an objection had been received from Radford Semele Parish Council and a request by Councillor Doody.

The Head of Planning and Engineering recommended that the application be granted, subject to conditions, because he felt 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 45 Degree Guideline (Supplementary Planning Guidance)

The following addressed the Committee:

Mr D Dickinson - Objector

After considering the officers' report and presentation along with the representations from the public speaker, the Committee were of the opinion that the application should be deferred.

RESOLVED that application W06/1876 be DEFERRED to allow for a site visit to take place as the Committee felt it would be of significant benefit to them when determining the application.

788. 28 BLACKLOW ROAD, WARWICK

The Committee considered an application from Mr J Angwin for the erection of rear first floor extensions.

The application was presented to Committee because a request had been received from Councillor Ms Hirsch.

The site had also been visited by the Committee because the Chair had decided it would be beneficial before the application was considered at the meeting.

The Head of Planning and Engineering considered the following policies to be relevant to the report:

(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 also considered information in the addendum which was circulated at the meeting.

The following addressed the Committee:
Councillor Mrs Hirsch – Ward Councillor

After considering the officers' report and presentation and representations from the Ward Councillor, the Committee were of the opinion that the item should be granted.

RESOLVED that application W06/1912 be GRANTED, subject to the conditions listed below.

- (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 P#559/2, and specification contained therein, submitted on 6th December, 2006 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;

- (3) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (4) 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 in either side elevation of the extension. **REASON:** To retain control over future development so that the residential amenity of adjoining occupiers is protected.

789. 29 LEDBROOK ROAD, CUBBINGTON

The Committee considered a retrospective application from Mr G Toozer for the retention of fencing to the property boundary and garden shed.

The application was presented to Committee because enforcement action would need to be taken if the retrospective application was refused.

The Head of Planning and Engineering considered the following policies were relevant to the report:

(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 addressed the Committee:

Mrs M Toozer - Applicant

After considering the officers' report and presentation, and with the comments by the applicant, it was proposed and duly seconded that the application be granted subject to the fence being painted a suitable colour, and the implementation of a landscaping scheme, which included the planting of shrubs and trees to disguise the fence. This proposal was lost.

It was then duly proposed and seconded that the application be refused and enforcement action be authorised which required the removal of the fence and shed as detailed within the report.

RESOLVED that

- (1) application W06/1921 be REFUSED for the reasons listed below;

District-Wide Policy ENV3 of the Warwick District Local Plan 1995 requires all development proposals to achieve a high standard of design and to harmonise with their surroundings. This is reflected in Policies DP1 and DP2 of the emerging Warwick District Local Plan 1996-2011 (Revised Deposit Version) which state that development will only be permitted which positively contributes to the character and quality of the environment and will not be permitted where it has an adverse impact.

The application property is situated at the corner of Ledbrook Road and Boddington Close. The fence and shed have been erected hard up against the side boundary with Boddington Close. Front boundary treatments in the surrounding area are generally low walls, while the side boundaries of corner plots are generally marked by low fences and taller hedges.

In the opinion of the District Planning Authority, the fence causes unacceptable harm to the character and appearance of the area by reason of its height, its position hard up against the back of the footpath, and its 18m length. It is considered that the fence represents an alien and incongruous addition to the streetscene. It is further considered that both in itself, and in the precedent that it would create for the submission of other similar applications which would thereby be more difficult to resist, the retention of the fence would result in the progressive erosion of the existing attractive character and appearance of this locality.

The shed is currently partially screened by the fence. The fence will have to be removed or modified to address the above concerns, and then the shed may become more prominent in the street scene. In the opinion of the District Planning Authority, without the screening provided by the unauthorised fence, the shed

would represent an incongruous feature on this prominent corner site, and its positioning would be at odds with the established pattern of development in the area. The shed would therefore cause unacceptable harm to the character and appearance of the area. The application thereby is contrary to the aforementioned local plan policies, and

- (2) enforcement action be authorised to require removal of the fence and shed with a compliance period of three months.

790. KENILWORTH CASTLE (BRAYS CAR PARK), CASTLE ROAD, KENILWORTH

The Committee considered an application from English Heritage for the erection of gates, fencing, barriers and two ticket machines.

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

The Head of Planning and Engineering considered the following policies relevant to the report:

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

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

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

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

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

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

The Committee also considered information in the addendum which was circulated at the meeting.

The following addressed the Committee:
Councillor P Ryan – Town Council Objector
Mrs J Illingworth – CAAF Objector
Mr Chatwin - Objector

The Head of Planning and Engineering had recommended that the application be granted. However after considering the officers' report and presentation along with the representations from the public speakers, the Committee were of the opinion that the application should be refused.

RESOLVED that application W06/1941 be REFUSED because the impact of the gates and ticket machines have an injurious impact to the character and setting of the ancient monument and the wider conservation area.

791. PLOT 6, FIELDGATE LAWN, FIELDGATE LANE, KENILWORTH

The Committee considered an application from Mr S Cockell for the erection of a new dwelling.

The application was submitted to Committee for determination at the request of Councillor Mrs Blacklock.

The Head of Planning and Engineering had recommended that the application be granted, as he felt that it complied with the relevant policies listed below:

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

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

Distance Separation (Supplementary Planning Guidance).

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).

The following addressed the Committee:

Mr Griffiths - Objector

After considering the officers' report and presentation and the representations by the public speaker, the Committee were of the opinion that the application should be granted as recommended by the Head of Planning and Engineering subject to condition 5 being amended to remove the first sentence.

RESOLVED that application W06/1949 be GRANTED subject to the following conditions:

- (1) The development hereby permitted must be begun not later than 28 August 2008. **REASON:** Since this permission relates to an outline consent given in 2003, and permission would not be normally granted under the District Planning Authority's Managing Housing Supply Supplementary Planning Document introduced in 2006;

- (2) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (4524/10A), and specification contained therein, submitted on 11 December 2006 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (4) Details of the means of disposal of surface water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON:** To ensure satisfactory provision is made for the disposal of storm water and foul sewage; and
- (5) A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. An alternative screen hedge along the rear boundary shall be provided. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to

be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

792. 56 REGENT STREET, LEAMINGTON SPA

The Committee considered an application from Mr Hassan Aydin for a change of use from an A3 restaurant to a mixed use of A3 and A5; installation of a new extract system on a rear elevation and minor amendments to the shopfront.

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

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

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

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

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

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

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

After considering the officers' report, the Committee were of the opinion that the application should be granted as recommended by the Head of Planning & Engineering.

RESOLVED that application W06/1532 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 (QE 35 SIP 08b; QE 35 SIP 10a; QE 35 SIP 12a), and specification contained therein, submitted on 18th September, 2006 unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3; and
- (3) The external flue system on the rear elevation shall be painted matt black and retained as such at all times. **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.

793. 100-100A LILLINGTON ROAD, LEAMINGTON SPA

The Committee considered an application from Mr B S Maunder for the erection of wrought iron gates and side railings across a shared driveway, with an approximate height of 1800mm.

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

The Head of Planning and Engineering had recommended that the application should be granted because he felt that it complied with the relevant policies, listed below:

(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).

After considering the officers report, the Committee were of the opinion that the application should be granted as recommended by the Head of Planning and Engineering.

RESOLVED that application W06/1634 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, unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) Notwithstanding the details shown on the submitted plans, no development shall be carried out on the site which is the subject of this permission, until details of the gate including drawings at a scale of 1:100 showing the position of the gates in relation to the carriageway 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:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3; and
- (4) The gates provided at the entrance to the site shall be set back 5 metres from the near edge of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

794. **3 HILL STREET, LEAMINGTON SPA**

The Committee considered a retrospective application from Mr R Scott for the retention of a rear dormer window and a roof terrace.

The application had been deferred at Planning Committee on the 10 January 2007, to enable a site visit to take place on 27 January 2007.

The Head of Planning and Engineering had recommended that the application be refused and enforcement action be authorised and that the following policies were relevant:

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

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

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

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

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

The Committee also considered information in the addendum which was circulated at the meeting.

After considering the officers' report and presentation, it was proposed and duly seconded that the application be granted, against the officers recommendation because it was felt that there was no unreasonable impact on the neighbours amenity and the wider conservation area in this case. This proposal was lost.

It was then proposed and seconded that the application should be refused as recommended by the Head of Planning & Engineering.

RESOLVED that

- (1) Application W06/1770 be REFUSED because

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. These are reflected in Policy DP1 of the emerging Warwick District Local Plan 1996-2011 (first 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 DP2 which states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. Meanwhile, Policy DAP11 states that development will not be permitted to alter or extend unlisted buildings which would adversely affect the historic integrity, character or setting of the Conservation Area, and Policy DAP10 requires that development proposals protect and enhance the historic quality, character and appearance of Conservation Areas.

The application site comprises a modest terraced property within the Leamington Spa Conservation Area.

In the opinion of the District Planning Authority, this flat roofed box dormer window occupying the entire width of the roof represents a wholly unsympathetic alteration to the property by reason of its bulk and design, which has resulted in the introduction of an unacceptably dominant feature into this traditional roofscape. Whilst it is recognised that there are modern box dormers on the rear of one or two other properties in the vicinity of the site, these were constructed before this area was included within the Conservation Area, and it is considered that these should not create a precedent for further unsympathetic roof alterations within this locality. Dormer windows in properties of this age are traditionally of a much narrower, more vertical design, sitting comfortably within the existing roof and not taking up the whole of the roof width as has occurred with the dormer that is the subject of this application. The harmful visual impact of the dormer in this case is exacerbated by the inclusion of a roof terrace, together with associated railings, which represent incongruous features at roof level, particularly with the likely accumulation of domestic garden paraphernalia in this elevated position.

Furthermore, the roof terrace also allows direct views down from an elevated position into neighbouring gardens and into the rear rooms of neighbouring properties. In the opinion of the District Planning Authority, this has resulted in unacceptable loss of privacy for neighbouring dwellings.

The proposal is therefore contrary to the objectives of the aforementioned policies; and

- (2) enforcement action be authorised to require the dormer window and roof terrace to be removed and for the roof to be reinstated to its former state with compliance period of three months.

795. SHUNT HOUSE, LEAMINGTON ROAD, BUBBENHALL

The Committee considered an application from Miss D Hope for the demolition of an existing dwelling and outbuildings, and the removal of existing mobile home, the erection of a replacement dwelling with ancillary granny annex and triple garage, with office accommodation above, to be used ancillary to the proposed residential accommodation.

The application was presented to Committee because an objection had been received from Bubbenhall Parish Council. If granted, the application was also recommended to be subject to a legal agreement.

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

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

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

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

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).

RA.4 - Conversion of Existing Rural Buildings (Warwickshire Structure Plan 1996-2011).

PPG2 (Green Belts) states: - 'The replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces.'

After considering the officers' report, the Committee were of the opinion that the application should be granted as recommended by the Head of Planning and Engineering.

RESOLVED that application W06/1821 be GRANTED, subject to the satisfactory conclusion of a legal agreement to secure the removal of the existing mobile home before the first occupation of any part of the new dwelling and granny annex hereby approved, and to ensure that the use permitted by the Certificate of Lawfulness W970678 is then extinguished, and 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 nos. 4532/02E and 4532/03, and the 1:1000 block plan showing the new site access, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority.
REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) Before the first occupation of any part of the new dwelling hereby permitted, the existing dwelling, The Shunt House and all existing outbuildings identified on Drawing No. 4532/03 shall have been demolished and the existing mobile home shown on that plan shall have been removed off the site, the subject of this application. **REASON:** To protect the openness of the Green Belt in accordance with the requirements of PPG2 (Green Belts) and Policies ENV1 and ENV3 of the Warwick District Local Plan);
- (4) A landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed,

dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. Existing trees which are shown as being retained shall be dealt with in accordance with BS 5837:2005. In particular, before any materials are brought on the site or any demolition or development commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;

- (5) Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details;
REASON : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;

- (6) No development shall be carried out on the site which is the subject of this permission, until satisfactory details of boundary treatment have been submitted to and approved by the District Planning Authority and the development shall not be carried out otherwise than in full accordance with such approved details.
REASON: To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;

- (7) The 'granny annex' hereby permitted shall be occupied solely as an extension to the proposed replacement dwelling hereby permitted and this permission shall not be construed as authorising its use as a separate dwelling unit. **REASON:** This site occupies an isolated site in the rural area and the creation of a further dwelling would not be a sustainable development and would be contrary to rural housing policies as set out in Policies ENV3A and H9 in the Warwick District Local Plan;
- (8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 1 and 2 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON:** To protect the rural character and openness of this isolated Green Belt location in accordance with Policies ENV1 and ENV3 of the Warwick District Local Plan;
- (9) Details of the means of disposal of storm water and foul sewage from the development shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and the development shall not be carried out other than in strict accordance with such approved details. **REASON :** To ensure satisfactory provision is made for the disposal of storm water and foul sewage;
- (10) 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;

- (11) Before the development hereby permitted is first commenced, the existing access off Leamington Road shall be closed and reinstated in accordance with details first submitted to and approved in writing by the District Planning Authority and the new access off Watery Lane shown on the 1:1000 Block Plan hereby approved shall have been constructed and be available for use. **REASON** : In the interests of highway safety in accordance with Policy ENV3 of the Warwick District Local Plan;
- (12) The new vehicular access shall be not less than 4.5 m or greater than 5.5 m in width at any point/for a distance of 10 m, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (13) The gradient of the new access for vehicles shall not be steeper than 1 in 15 for a distance of 10 m, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (14) The new access 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 ENV3 of the Warwick District Local Plan;
- (15) The new access for vehicles shall not be used unless a public highway verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON**: In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;

- (16) The new vehicular access shall not be used until visibility splays have been provided to the satisfaction of the District Planning Authority with an 'x' distance of 2.4 metres and 'y' distances of 120 m in a northerly direction to the near edge of the public highway carriageway and to the junction of the C33 Watery Lane with the A445 Leamington Road. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.9 m above the level of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (17) Gates erected at the new vehicular access shall not be hung so as to open to within 10 m of the near edge of the public highway carriageway. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (18) The new vehicular access shall not be used until a turning area has been provided within the site so as to enable all vehicles to leave and re-enter the public highway in a forward gear. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (19) The development hereby permitted shall not be commenced before the new vehicular access serving the site has been surfaced with a material to the approval of the District Planning Authority for a minimum of 10 m into the site, as measured from the near edge of the public highway carriageway, and in such a manner that extraneous material is not spread onto the public highway by the wheels of vehicles leaving the site. **REASON:** In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan; and

- (20) Before any works for demolition are first commenced, a survey of the premises by a qualified bat surveyor shall be undertaken to demonstrate the presence, absence or usage of the premises by bats. In the event that the survey demonstrates the presence or usage of the premises by bats, a report recommending mitigation measures to ensure any bats will be protected during the demolition works shall be submitted to and approved in writing by the District Planning Authority before the demolition works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON:** To ensure the protection of bats and compliance with Policy ENV27 of the Warwick District Local Plan 1995.

796. ADJOURNMENT OF MEETING

The Chair adjourned the meeting of the Planning Committee held on Wednesday 31 January 2007 to Thursday 1 February 2007 at 6.00pm.

(The meeting ended at 9.40pm)

RESUMPTION OF ADJOURNED PLANNING COMMITTEE MEETING

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

PRESENT: Councillor Tamlin (Chair); Councillors Ashford, Mrs Begg, Mrs Blacklock, Mrs Bunker, Mrs Compton, Mrs Hodgetts, Kinson and Mrs Knight.

797. 2 RAWNSLEY DRIVE, KENILWORTH

The Committee considered an application from Mr Coulter for the erection of a two storey side extension and a rear conservatory.

The application was presented to Committee because it was a resubmission of a proposal previously refused by the Committee on 10th October 2006.

The Head of Planning and Engineering recommended that the application be granted as he felt that it complied with the relevant policies listed below:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
Distance Separation (Supplementary Planning Guidance)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

After considering the report, the Committee were of the opinion that the application should be granted as recommended by the Head of Planning and Engineering.

RESOLVED that application W06/1852 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 2620/1, 2620/3 Revision B, and specification contained therein, submitted on 23rd November, 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) All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan; and
- (4) The first floor window in the rear elevation of the extension hereby permitted shall be obscure glazed and retained as such at all times thereafter. **REASON:** To protect the amenity of the occupiers of nearby properties.

798. 45 AVENUE ROAD, LEAMINGTON SPA

The Committee considered a retrospective application from Mr S Singh for the change of use of a further 3 residential rooms (class use C3) to guest house (class use C1), creating 9 rooms in total.

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

The application was deferred by the Committee on 10 January 2007 because they had decided it would be beneficial to them before determining the application.

The case officer had revisited the site to carry out an internal inspection of the application property and was able to confirm that there were 9 guest bedrooms available to let within the property. The applicant had also confirmed that the basement accommodation was solely for his own use as the proprietor.

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

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

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

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

(DW) TO4 - Change of Use to Hotels or Guest Houses (Warwick District Local Plan 1995)

UAP8 - Directing New Visitor Accommodation (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).

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

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

The Committee also considered information in the addendum which was circulated at the meeting.

After considering the officers' report, the Committee were of the opinion that the application should be granted as recommended by the Head of Planning and Engineering.

RESOLVED that application W06/1865 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, and specification contained therein, unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.

799. 45 AVENUE ROAD, LEAMINGTON SPA

The Committee considered an application from Mr S Singh for the replacement of a flat roof with a pitched roof and rear extension to provide two guest bedrooms.

The application was presented to Committee because of an objection from the Royal Leamington Spa Town Council. Furthermore, it was deferred at the last Committee to allow for a site visit 27 January 2007. Since then, the case officer had revisited the site and had established that there was a distance of 11.7 metres between the existing garage and the rear gates. The applicant had stated that he was willing to demolish the existing garage and would be prepared to accept this as a condition to planning permission, if the Committee considered it appropriate.

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

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

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

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

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

UAP8 - Directing New Visitor Accommodation (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).

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

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

The Committee also considered information in the addendum which was circulated at the meeting.

PLANNING COMMITTEE MINUTES (Continued)

After considering the officers' report, the Committee were of the opinion that the application should be refused which was against the recommendation from the Head of Planning and Engineering.

RESOLVED that application W06/1866 be REFUSED because, the application is overdevelopment of the site, not in keeping with the character of the conservation area and is unneighbourly by virtue of disturbance following the creation of the entrances to the rear of the building.

800. 67 CROWN WAY, LILLINGTON, LEAMINGTON SPA

The Committee considered a retrospective application from Masoud Farmani for a change of use to restaurant/take away (A3/A5) and installation of a new flue.

The application was presented to Committee following a request by Councillor Boad.

The Head of Planning and Engineering considered the following policies were relevant:

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

(DW) S7 - Local Shopping Centres (Warwick District Local Plan 1995).

UAP4 - Protecting Local Shopping Centres (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).

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

The Committee also considered information in the addendum which was circulated at the meeting.

After considering the officers' report, the Committee were of the opinion that the application should be deferred for further information on the opening hours and advice from Environmental Health.

RESOLVED that application W06/1880 be DEFERRED.

801. 247 BRUNSWICK STREET, LEAMINGTON SPA

The Committee considered an application from Mrs D K Gandhu for the erection of a single storey extension to the side and rear including an extension of the garage.

The application was presented to Committee because of an objection from the Royal Leamington Spa Town Council.

The Head of Planning and Engineering recommended that the application be granted because he felt that it complied with the relevant policies listed below:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)

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).

After considering the officers' report and presentation, the Committee were of the opinion that the application should be granted as recommended by the Head of Planning and Engineering.

RESOLVED that application W06/1886 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 N 20061111A, and specification contained therein, submitted on 12th December 2006 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.

802. 58 VILLIERS STREET, LEAMINGTON SPA

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

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

The Head of Planning and Engineering considered the following policies to be relevant to the report:

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

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).

After considering the officers' report and presentation, the Committee were of the opinion that the application should be granted as recommended by the Head of Planning and Engineering.

RESOLVED that application W06/1894 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 17th January, 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.

803. LEAMINGTON AND COUNTY GOLF CLUB, GOLF LANE, WHITNASH

The Committee considered an application from Leamington and County Golf Club for the erection of a name plaque within a brickwork feature.

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

The Head of Planning and Engineering considered the following policies relevant to the report:

(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).

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

After considering the officers' report and presentation, the Committee were of the opinion that the application should be granted as recommended by the Head of Planning & Engineering.

RESOLVED that application W06/1911 be GRANTED, subject to the standard conditions for an advertisement consent and the following listed below;

- (1) The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers GC-01 and GC-02A and specification contained therein, submitted on 29 November 2006 and 4 January 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
- (2) A brick sample 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.

804. 14 PORTLAND STREET, LEAMINGTON SPA

The Committee considered an application from Jaymie Balfe for the change of use from a rented residential use to office use.

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

The Head of Planning and Engineering considered the following policies to be relevant to the report:

(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)

TCP10 - Protecting the Residential Role of Town Centres (Warwick District 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)

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

After considering the officers' report, the Committee were of the opinion that the application be granted as recommended by the Head of Planning and Engineering.

RESOLVED that application W06/1919 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 29th November 2006 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 air conditioning, ventilation and flue extraction systems shall be installed until details of the design, materials and particulars of noise levels shall be submitted to and approved by the Local Planning Authority before the use is commenced. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan; and

- (4) The use of the premises for the purposes hereby permitted shall be restricted to the hours of 8.00 am to 6.00pm from Monday to Saturday only. **REASON:** To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan.

805. HILL BARN FARM, IRELANDS LANE, LAPWORTH

The Committee considered a retrospective application from Mrs L Green for the erection of a storage building.

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

The Head of Planning and Engineering recommended that the application be granted because he felt that it complied with the relevant policies listed below:
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)
(DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)

The Committee also considered information in the addendum which was circulated at the meeting.

After considering the officers' report and presentation, the Committee were of the opinion that the application should be granted subject to the amendment of the proposed condition to remove the wording "and for private recreational purposes".

RESOLVED that application W06/2006 be GRANTED, subject to, the building only being used for the storage of equipment, materials, and other items in connection with the use of the land for agriculture and forestry and for the maintenance of the lake. **REASON:** Since planning permission would not normally be given for the erection of a building of this type other than for the reasons given since, otherwise, it would not comply with Policy (D10) ENV1 of the Warwick District Local Plan 1995.

806. TRINITY SCHOOL, MYTON ROAD, WARWICK

The Committee considered a request from the Diocesan Schools Commission with regard to conditions 1(a) and 1(d) of the legal agreement for planning permission W2000/1027.

The report had been deferred at the December meeting of the Committee to enable the Council's Leisure and Amenities department to investigate the suitability of a possible alternative site for play equipment, because the location on the development site was inappropriate for a play area, and to negotiate a financial contribution.

Leisure and Amenities had considered this and concluded that there were no other areas within a reasonable distance of the site where play equipment could be installed. Therefore there was no justification to require a monetary contribution.

The Committee were of the opinion that even though there was no play area in the vicinity there was no reason a financial contribution could not be made towards play equipment because families who moved into the development would still visit play areas within the District.

RESOLVED that condition 1(a) be amended as per the report, condition 1(d) not be discharged but amended to seek from the applicant a contribution towards play equipment within the District.

807. SPINNEY FARM, BANBURY ROAD, BISHOPS TACHBROOK

The Committee received a report updating them on the ongoing enforcement case which was investigating (1) the alleged unauthorised use of land as a mixed use of part agriculture and part residential with the associated stationing of a caravan; and (2) alleged unauthorised erection of a two floor building described as a pig farrowing house and two blocks of buildings with associated feed yards used for pig fattening.

The Planning Officer reported at the meeting that it was hoped to submit a final report to the Committee in February.

RESOLVED that the content of the report be noted.

808. LITTLETON CLOSE, MOSS GROVE, CRACKLEY HALL SCHOOL, KENILWORTH

The Committee considered a report which sought the confirmation of provisional Tree Preservation Order, TPO310.

The Tree Preservation Order took effect, on a provisional basis, on 24 November 2006 and continued to be in force for six months or until the Order was confirmed by the Council.

The residents in the vicinity of the trees objected to aspects of the Order and therefore it had to be passed to Committee for determination. It was also noted that a residents association had written in support of the Order.

PLANNING COMMITTEE MINUTES (Continued)

The officer dealing with the TPO was of the opinion that the objections raised were not justifiable and therefore recommended that the application be confirmed.

RESOLVED that Tree Preservation Order TPO 310 be confirmed.

809. APPEAL PERFORMANCE FOR QUARTER 3 2006-2007

The Committee considered a report from Planning and Engineering detailing the Council's appeal performance for 2006 - 2007 quarter 3.

RESOLVED that the report be noted.

810. DEVELOPMENT CONTROL PERFORMANCE STATISTICS

The Committee considered a report from Planning and Engineering detailing the Council's current development control statistics.

RESOLVED that the report be noted.

811. DEVELOPMENT GUIDE FOR LISTED BUILDINGS IN CONSERVATION AREAS

The Committee received the draft development guide for listed buildings and buildings in conservation areas for approval from the Planning and Engineering business unit.

A copy of the development guide was appended to the report.

RESOLVED that

- (1) the development guide for listed buildings in conservation areas, be approved; and
- (2) the officers involved in the production of this excellent document be congratulated.

(The meeting ended at 7.45pm)