

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 29 July 2009 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

(Councillor Edwards substituted for Councillor Dean)

49. **DECLARATIONS OF INTEREST**

Minute Number 57 - W08/0146 – Poultry Farm, Littleworth Road, Norton Lindsey

Councillor Rhead declared a personal interest because he was Ward Councillor for the application site.

Minute Number 62 - W09/0472 – 1 Barrow Road, Kenilworth

Councillor Mrs Blacklock declared a personal interest because she was Ward Councillor for the application site and was known to the neighbours of the application site.

50. **MINUTES**

The minutes of the meeting held on 17 June 2009 and 7 July 2009 were confirmed as a correct record.

51. **W09/0349 – WALNUT TREE PH, CROWN WAY, CUBBINGTON ROAD, LILLINGTON**

The Committee considered an application from Tesco Stores Ltd for alterations to ground floor elevations

The application was presented to Committee because of the number of objections received and an objection from the Royal Leamington Spa Town Council had been received. See also planning applications W09/0350, W09/0351 and W09/0352 on the agenda.

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)

Further information from the agent for this application was included within the officers addendum that was circulated at the meeting.

The case officer was of the opinion that, the development would not adversely impact on the amenity of neighbours, the design of the building or the character and appearance of the area. The proposal was therefore considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

The following people addressed the Committee:

Miss J Padginton	Objector
Mr M Roe	Supporter
Councillor A Boad	Ward Councillor (Objecting)

Following consideration of the officer's report and presentation and the representations made by the public and the Ward Councillor, the Committee were of the opinion that the application should be granted in line with the officers recommendation.

RESOLVED that application W09/0349 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 Drawing Nos 3603/(P)201/App(iv) and /(P)101/App(iii), 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 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.

52. W09/0350 – WALNUT TREE PH, CROWN WAY, CUBBINGTON ROAD, LILLINGTON

The Committee considered an application from Tesco Stores Ltd for installation of plant equipment.

The application was presented to Committee because of the number of objections received from local residents and an objection from the Royal Leamington Spa Town Council had been received. See also applications W09/0349, W09/0351 and W09/0352 on the agenda.

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)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

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

Further information from the agent for this application was included within the officers addendum that was circulated at the meeting.

The following people addressed the Committee:

Miss J Padginton

Objector

Mr M Roe

Supporter

Councillor A Boad

Ward Councillor (Objecting)

Following consideration of the officer's report and presentation and the representations made by the public and the Ward Councillor, the Committee were of the opinion that the application should be granted in line with the officers recommendation.

RESOLVED that application W09/0350 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 nos. 3603/(P)101/App(iii), /(P)201/App(iv) and /(P)501/App(v), and the specifications contained in the application, submitted on 20th April 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) no air conditioning unit or refrigeration unit hereby permitted shall be first brought into use unless and until the solid timber screen fence 2.4m high has been erected as shown on the

PLANNING COMMITTEE MINUTES (Continued)

approved plan and it shall thereafter be retained on site at all times as so approved. **REASON :** To protect the amenity of adjoining residents in accordance with the requirements of Policies DP1, DP2 and DP9 of the Warwick District Local Plan 1996-2011.

53. W09/0351 – WALNUT TREE PH, CROWN WAY, CUBBINGTON ROAD, LILLINGTON

The Committee considered an application from Tesco Stores Ltd the erection of 42 sq m single storey rear extension and change of use of first floor to residential use (Class C3).

The application was presented to Committee because of the number of objections received and an objection from the Royal Leamington Spa Town Council had been received. See also planning applications W09/0349, W09/0350 and W09/0352 on the agenda.

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)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

DP8 - Parking (Warwick District Local Plan 1996 - 2011)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

UAP3 - Directing New Retail Development (Warwick District Local Plan 1996 - 2011)

Relevant Government Guidance is contained in PPS6, Planning for Town Centres.

The case officer was of the opinion that, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of its impact on the amenity of neighbours or the retail vitality and viability of either Leamington Spa town centre or Crown Way local centre which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

Further information from the agent for this application was included within the officers addendum that was circulated at the meeting.

The following people addressed the Committee:

Miss J Padginton

Objector

Mr M Roe

Supporter

Councillor A Boad

Ward Councillor (Objecting)

Following consideration of the officer's report and presentation and the representations made by the public and the Ward Councillor, the Committee were of the opinion that the application should be deferred.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W09/0351 be DEFERRED in order to allow for further clarification of swept paths of HGV movements and loss of existing turning facility (shown as removed on submitted layout plan).

54. **W09/0352 – WALNUT TREE PH, CROWN WAY, CUBBINGTON ROAD, LILLINGTON**

The Committee considered an application from Tesco Stores Ltd for the display of illuminated fascia signage on front elevation (Cublington Road), side elevation (Crown Way) and side elevation (Old School Mews).

The application was presented to Committee because of the number of objections received and an objection from the Royal Leamington Spa Town Council had been received. See also planning applications W09/0349, W09/0350 and W09/0351 on the agenda.

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)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

Government Guidance is contained in PPG19, Outdoor Advertisement Control.

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

The following people addressed the Committee:

Miss J Padginton

Objector

Mr M Roe

Supporter

Councillor A Boad

Ward Councillor (Objecting)

Following consideration of the officer's report and presentation and the representations made by the public and the Ward Councillor, the Committee were of the opinion that the application should be granted in line with the officers recommendation.

RESOLVED that application W09/0352 be GRANTED subject to the standard national advertisement conditions and to the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing numbers 3603/(P)602 and /(P)201/App(iv), 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 Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

PLANNING COMMITTEE MINUTES (Continued)

55. W09/0623 – LAND REAR OF 207 RUGBY ROAD, LEAMINGTON SPA

The Committee would consider the determination of this application at their meeting due to be held on 18 August 2009.

56. W09/0559 – REAR OF 34-40 LEE ROAD, LEAMINGTON SPA

The Committee considered an application from Mr Tabor for the erection of bungalow after demolition of existing garages.

The application was requested to be presented to Committee by Councillor Mrs Knight and was deferred at the meeting on 7 July to enable a site visit to be held on 25 July 2009.

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 following people addressed the Committee:

Mr G Wilson Supporter

Councillor Mrs Knight was registered to speak as Ward Councillor in support of the application but had to leave the meeting prior to the application being considered.

Following consideration of the officer's report and presentation and the representations made by the supporter, the Committee were of the opinion that the application should be refused in line with the officers' recommendation.

RESOLVED that application W09/0559 be REFUSED for the following reasons:

- (1) Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character of its environment through good layout and design.
The proposed dwelling would be sited as backland development to the rear of existing properties at 34-40 Lee Road, 44 and 46 Kingsway, and 6 and 8 Southlea Close within an established residential area that is predominantly characterised by dwellings in generous plots that generally front onto the roads. In the opinion of the District Planning Authority, the erection of a detached bungalow on this site of restricted size and awkward configuration will result in a development which would appear unacceptably cramped and contrived in comparison with its surroundings and which would thereby be out of character with the existing pattern of frontage

PLANNING COMMITTEE MINUTES (Continued)

development in the surrounding area. The proposal is, therefore, considered contrary to the aforementioned policy; and

- (2) Policy DP2 of the Warwick District Local Plan 1996-2011 states that development will not be permitted which does not provide acceptable standards of amenity for neighbouring residents and future occupiers of the development. The proposed dwelling would be sited as backland development to the rear of existing properties at 34-40 Lee Road, 44 and 46 Kingsway, and 6 and 8 Southlea Close. Numbers 34 and 40 Lee Road have been extended and converted into self contained flats. Access to the site would be via an existing drive that passes between numbers 40 and 42 Lee Road close to existing habitable room windows and garden areas of these dwellings, which also serves existing garages allocated to the shops and flats at 34-40 Lee Road.

In the opinion of the District Planning Authority the proposal would be harmful to the living conditions of the neighbouring residents and future occupants of the proposed dwelling by reason of:

1. the degree of noise and disturbance that would emanate from the unfettered movement of vehicles using the access road and the adjacent garages and the manoeuvring of vehicles within and adjacent to the site;
2. the restricted nature of the site which would result in the dwelling being positioned close to its boundaries restricting outlook and the provision of an inadequate private amenity space to serve the dwelling

The proposal was, therefore, considered contrary to the aforementioned policy.

57. W08/0146 – POULTRY FARM, LITTLEWORTH ROAD, NORTON LINDSEY

The Committee considered an application from Farmgate Poultry for the erection of two replacement poultry sheds and relocation of vehicular access.

The application was presented to the Committee at the request of Councillor Mrs Higgins as Ward Councillor.

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

PA15 - Agriculture and Farm Diversification (Regional Planning Guidance 11 - June 2004)

PLANNING COMMITTEE MINUTES (Continued)

QE6 - The Conservation, Enhancement and Restoration of the Region's Regional Planning Guidance 11 - June 2004)

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)

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)

The case officer was of the opinion that the proposed development was appropriate development in principle in the Green Belt. The siting, scale, design, appearance, materials and scope for mitigating soft landscaping of the proposed development would not cause unacceptable harm to the openness of the green belt or the rural character of the Arden wooded estate lands countryside. The odour and noise impact assessments together with the proposed external vehicular manoeuvring space around the proposed buildings demonstrate that the proposed development is capable of operating without causing unacceptable pollution or harm to living conditions of neighbouring residential properties. The provision of an odour management plan secured by conditions would assist in ensuring that these capabilities are fulfilled in practice. Also, the external vehicular manoeuvring space around the buildings together with the scope to secure appropriate access arrangements would not cause unacceptable harm to the interests of highway safety. The application proposals are therefore considered to comply with Warwick District Local Plan 1996 - 2011 policies DP1, DP2, DP3, DP6, DP9 and DAP1.

Further information about this application from the agenda, case officer and Norton Lindsey parish Council, was included in the officers addendum that was circulated at the meeting.

The following people addressed the Committee:

Mr P Frampton Supporter

Councillor Mrs Sawdon Ward Councillor (Objecting)

It was proposed and duly seconded that the application be granted in line with the officer's recommendation; however this motion was lost with 4 votes in favour and 6 against.

Following consideration of the officer's report and presentation, along with the information contained within the addendum and the representations made by members of the public and the Ward Councillor, the Committee were of the opinion that the application should be refused contrary to the officer's recommendation.

RESOLVED that application W08/0146 be REFUSED because of the following reasons:

- (1) The design of the proposed poultry sheds by reason of height, mass, appearance and conspicuous location would unacceptably harm

PLANNING COMMITTEE MINUTES (Continued)

the both the openness of the West Midlands Green Belt and the rural character of the countryside. Moreover, this design is not sufficiently justified for proposed agricultural purpose. Furthermore, there is insufficient information to demonstrate that this design and location is capable of being acceptably integrated into the countryside through appropriate landscaping. The proposed development would thereby conflict with policies DP1 and DP3 of the Warwick District Local Plan 1996 – 2011 and the distinctive characteristics of the 'Wooded Estatelands' countryside as analysed by the Warwickshire Landscape Guidelines, adopted as Supplementary Planning Guidance in 1994;

- (2) The combination of the narrowness of the linear site and its location at the bottom of a valley, together with design of the proposed development involving much of it being covered by impermeable buildings and hard surfaces, with little room for proposed drainage systems, necessitates the assessment of any proposed details of disposal of rain and foul water from the development as an integral part of the application. This need is emphasised by a history of past drainage problems affecting the site. In this context the absence of drainage details submitted with the application means that there is insufficient information to judge whether the management challenges posed by both the nature of the site and that of the proposed development can be acceptably mitigated by the imposition of a condition(s). The development thereby conflicts with aspects of policies DP9, DP10 and DP11 of the Warwick District Local Plan 1996 – 2011. These aspects include avoiding development which could cause water pollution and the need to provide flood risk information in areas where there are known drainage problems, and the incorporation of sustainable drainage systems; and
- (3) The nature scale and intensity of the proposed development on this narrow site together with its relatively close proximity to a significant number of dwellings, would present complex management challenges to avoid potentially unacceptable harm to the living conditions of residents in terms of odour nuisance particularly at the end of the poultry life cycle. This has been demonstrated, in practice, by a history of odour

PLANNING COMMITTEE MINUTES (Continued)

problems from poultry buildings and yards at both this site and that of Five Ways both operated by the applicant. These management challenges include:

- The need to facilitate internal site access of appropriate vehicles necessary to service both buildings from an access at the eastern end of the site whilst potentially needing to take up space around buildings for drainage facilities, plant equipment, bin storage and tanks etc.
- The need to control the process of cleaning out the proposed buildings to minimise odour nuisance, including avoiding times when the wind blows in an easterly and north-easterly direction.
- The need to ensure that waste litter and dead carcasses from the poultry house are removed from the site within 24 hours
- The need to keep internal roadways and yards clean of waste litter and the need to clean vehicles and machinery
- The need to facilitate the sealing and sheeting of lorries disposing of waste materials

There is little supporting information with the application to demonstrate that such odour management is capable of being undertaken in a manner to minimise odour nuisance. In this context the Council does not consider that the fundamental issue of odour management can be left for control through an odour management plan secured in perpetuity by a planning condition. Such a condition would in practice be unacceptably difficult to monitor and enforce such that it would fail the tests of planning conditions in circular 11/95. The proposed development would thereby conflict with policy DP2 of the Warwick District Local Plan 1996 – 2011.

58. W09/0407 – 1 HALLFIELDS RADFORD SEMELE, LEAMINGTON SPA

The Committee considered an application from Mr D Row for the erection of a side extension with roof lights.

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)
Distance Separation (Supplementary Planning Guidance)

PLANNING COMMITTEE MINUTES (Continued)

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
RAP2 - Extensions to Dwellings (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 does 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 and the 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 W09/0407 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) 1572-2D submitted on 31st July 2009. **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) 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;
- (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 development shall be carried out which comes within Part 1, Class B of Schedule 2 of this Order, without the prior permission of the District Planning Authority.
REASON : To retain control over future

PLANNING COMMITTEE MINUTES (Continued)

development of the premises in the interests of residential amenity, and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011; and

59. PLANNING ENFORCEMENT ANNUAL AND QUARTERLY REPORT

The Committee considered a report from Planning which set out the workload and performance of the Planning Enforcement Team since January 2008 and includes a summary of all enforcement action taken over the same period which was detailed within the report.

The report ensured that the Planning Committee were updated on a regular basis on the planning enforcement action taken by the Council, Officers propose that a report now be brought to this Committee on a quarterly basis identifying the action taken during the previous quarter.

RESOLVED that the content of the report be noted. The Committee also agreed that they would receive reports on a quarterly basis identifying the action taken during the previous quarter. The Committee passed on their thanks and congratulations to the Enforcement Team for their hard work and were pleased to see the outcomes of their performance.

60. ADJOURNMENT OF MEETING

The Chairman adjourned the meeting of Wednesday 29 July 2009 to Thursday 30 July 2009 at 6.00pm.

(The meeting adjourned at 10.05pm)

RESUMPTION OF THE ADJOURNED PLANNING COMMITTEE MEETING

Minutes of the adjourned Planning Committee meeting held on Thursday 30 July 2009 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

Apologies for absence were received from Councillor Rhead.

61. W09/0550 – WELTON HOUSE, CHURCH ROAD, BUBBENHALL

The Committee considered a retrospective application from Mrs J Evans for the retention of wall and entrance gates.

The application was submitted to the Committee in order to request that enforcement action be taken.

The application was on the agenda for the Planning Committee on 17 June 2009, but was withdrawn from the agenda at the request of the applicant.

PLANNING COMMITTEE MINUTES (Continued)

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

DAP8 - Protection of 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)

The main issue relevant to the consideration of this application was the impact on the character and appearance of the Conservation Area.

The application site adjoined the stone wall around the adjacent Manor House, which formed an important feature in this part of the Conservation Area. The stone wall previously continued across the front of the application site, with a timber gate providing access. This part of the wall had now been removed and replaced with the wall and gates that were the subject of the current application.

The new wall was constructed of a bright orange / red brick. In the opinion of the case officer, the wall had introduced an unacceptable urban character into this rural Conservation Area. The brick that had been used has a stark and incongruous appearance when viewed alongside the stone wall around the Manor House. The development therefore caused unacceptable harm to the character and appearance of the Conservation Area.

Negotiations had sought to agree a compromise to allow the wall to be retained in a modified form. In consultation with the Council's Conservation Architect, the applicant was advised that a possible compromise would be for the front face of the wall to be rendered to match the colour of the adjacent stone wall. However, the applicant did not wish to pursue this option and the application was for the retention of the wall in its current form.

The Conservation Architect had also raised concerns about the gates that had been installed, and considered that these should be replaced with simple timber gates. The case officer agreed that this would be a better solution in conservation terms, but taking into account the relatively simple design of the metal gates that had been installed, and the character of this locality, the case officer was not convinced that the metal gates caused demonstrable harm to the character and appearance of the Conservation Area. Therefore, the gates were not referred to in the recommended reason for refusal or the enforcement requirements.

An email of support for the application from the applicant was summarised in the officers addendum that was circulated at the meeting.

Following consideration of the officer's report and presentation, the Committee were of the opinion that the application should be refused in accordance with the officers recommendation, but with the addition to include reference to Bubbenhall Conservation Area Character Statement in refusal reason, and enforcement action be authorised.

RESOLVED that

PLANNING COMMITTEE MINUTES (Continued)

- (1) application W09/0433 be REFUSED for the following reason:

The application site is situated within the Bubbenhall Conservation Area. Policy DAP8 of the Warwick District Local Plan 1996-2011 requires development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas.

The application site adjoins the stone wall around the adjacent Manor House, which forms an important feature in this part of the Conservation Area, as defined within the Conservation Area Statement as follows "At the junction of Lower End, further enhancement was carried out by the District Council in 1995/96. This junction is defined by both the Manor House and cottages opposite and views into the open countryside to the west which are important boundaries to this area which includes the stone wall around the Manor House,".

The stone wall previously continued across the front of the application site, with a timber gate providing access. This part of the wall has now been removed and replaced with the wall and gates that are the subject of the current application.

The new wall is constructed of a bright orange / red brick. In the opinion of the District Planning Authority, the wall has introduced an unacceptable urban character into this rural Conservation Area.

The brick that has been used has a stark and incongruous appearance when viewed alongside the stone wall around the Manor House. The development therefore causes unacceptable harm to the character and appearance of the Conservation Area.

The development was thereby considered to be contrary to the aforementioned policy; and

- (2) enforcement action be authorised to require either:
- (a) the wall be demolished; or
 - (b) the gate piers to be rendered on all sides up to the under side of the tile crease, and the face of the wall fronting on to Church Road to be rendered up to the under side of the tile crease, using 1:1:6 cement / lime / sand render mix applied in three coats, with the sand to match the colour of the adjacent wall, with a compliance period to be 3 months.

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered an application from Mr Collier to demolish existing bungalow and garage and erect two town houses and an apartment.

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

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)

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

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

DP6 - Access (Warwick District Local Plan 1996 - 2011)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)

DP5 - Density (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 does not adversely affect the amenity of nearby residents. The proposal was therefore considered to comply with the policies listed.

Further information regarding the development from the applicant was circulated at the meeting in the officers addendum.

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

RESOLVED that application W09/0472 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 661-04 Rev A, 661-05 Rev B, 661-06 Rev A, 18139A. and specification contained therein, submitted on 22nd April, 2009 and 18th June, 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

PLANNING COMMITTEE MINUTES (Continued)

DP1 and DP2 of the Warwick District Local Plan 1996-2011;

- (3) 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 DP3 of the Warwick District Local Plan 1996-2011;
- (4) 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 DP4 of the Warwick District Local Plan 1996-2011;
- (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 DP1 of the Warwick District Local Plan 1996-2011;
- (6) a landscaping scheme, incorporating existing trees and shrubs to be retained and new tree and shrub planting for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. Such approved

PLANNING COMMITTEE MINUTES (Continued)

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 DP1 of the Warwick District Local Plan 1996-2011;

- (7) the development hereby permitted shall not be brought into use until the proposed means of access has been constructed in strict compliance with details approved in writing by the District Planning Authority. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011;
- (8) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on site, or in the locality, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. **REASON :** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011; and
- (9) prior to commencement of the development

PLANNING COMMITTEE MINUTES (Continued)

hereby approved, details of a porous surface treatment for the access drive off Barrow Road or where a non-porous surface treatment is proposed, details of the provision to be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the development, shall have been submitted to and approved by the District Planning Authority. The access drive shall be constructed and surfaced, in full accordance with the approved details. **REASON** : To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.

63. W09/0571 – MAGNET HOUSE, EMSCOTE ROAD, WARWICK

The Committee considered an application from Micheldever Tyre Services Ltd for the display of three fascia signs and one totem sign.

The application was presented to Committee because an objection from Warwick Town Council had been 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 achieved acceptable standards of layout and design and does not give rise to any harmful effects in terms of amenity or safety 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, it proposed and duly seconded that the application be granted, and on the vote being tied four votes in favour and against with one abstention, the Chair used his casting vote in favour of the officers recommendation to grant. Therefore the Committee were of the opinion that the application should be granted in accordance with recommendation in the report.

RESOLVED that application W09/0571 be GRANTED subject to the standard advertisement conditions and the condition listed below:

The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) unnumbered, and specification contained therein, submitted on 14th May 2009 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.

64. W09/0657 – 15 THE FAIRWAYS, LEAMINGTON SPA

The Committee considered an application from Mr Sahota for the erection of single storey front extension and two storey side and rear extension and internal alteration.

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

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

The 45 Degree Guideline (Supplementary Planning Guidance)

Distance Separation (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 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 does 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 is 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 recommendation in the report.

RESOLVED that application W09/057 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(s) 02A, and specification contained therein, submitted on 04/06/2009 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

PLANNING COMMITTEE MINUTES (Continued)

Warwick District Local Plan 1996-201; 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.

65. APPEAL PERFORMANCE QUARTER 1 – 2009/2010

The Committee considered a report from Planning which updated the Members of the appeal performance for quarter 1 of 2009/2010.

Appeal performance is a Service Plan Indicator and performance for quarter 1 of 2009-2010 for section 78 appeals shows a 50% dismissal rate with two planning appeals being dismissed and two allowed. The attached table shown within the appendix to the report gave the details of all the appeal decisions received for quarter 1.

RESOLVED that the content of the report, be noted.

66. CLG PLANNING STATISTICS QUARTER 4 2008/09

The Committee considered a report from Planning which informed the Members of the CLG statistics for quarter 4 for 2008/09.

The Department for Communities and Local Government (CLG) regularly publish performance statistics for development control which are reported to committee every quarter. The statistics for January-March 2009 were now available on the CLG Website.

CLG advice was that the planning statistics should be reported regularly to committee so as to provide feedback on performance against government targets.

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

The relevant government targets for these indicators are:-

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

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

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

RESOLVED that the performance figures for this quarter be noted.

67. CLG CONSULTATION ON HOUSES IN MULTIPLE OCCUPATION (HMOs)

PLANNING COMMITTEE MINUTES (Continued)

The Committee considered a report from Planning which detailed a research document into Houses in Multiple Occupation (HMOs) (particularly those occupied by students) commissioned by Communities and Local Government (CLG) was published in 2008.

CLG were now consulting on possible changes to the Town and Country Planning (Use Classes) Order 1987 in relation to Houses in Multiple Occupation which would increase the level of planning control over such properties.

Local concern had been expressed at the problems often associated with high concentrations of HMOs within established residential areas in part due to the fact that currently Use Class C3 permits the occupation of dwellings by either a family or by “not more than six persons living together as a household”. The lowering of this threshold to three would extend planning controls such that in future a significantly increased number of HMOs would need Planning Permission to operate. (Existing established HMOs would not be affected by the proposed change).

RESOLVED that

- (1) CLG be advised that this Council supports the proposed change to the Use Classes Order (Option 2 in the Consultation Paper) which would create a new HMO threshold based on three or more people sharing who are not members of the same family; and
- (2) the responses to the specific questions contained in the consultation document as set out within Appendix A to the report, be forwarded to CLG.

(The meeting ended at 7.06 pm)