

# PLANNING COMMITTEE

Minutes of the meeting held on Tuesday 8 July 2008 in the Town Hall, Royal Leamington Spa at 6.00pm.

**PRESENT:** Councillor MacKay (Chairman); Councillors Barrott, Mrs Blacklock, Copping, Davies, Dhillon, Edwards, Mrs Grainger, Mrs Higgins and Illingworth.

(Councillor Mrs Grainger substituted for Councillor Rhead and Councillor Davies substituted for Councillor Ms Bunker)

## 219. DECLARATIONS OF INTEREST

Minute Number 221 - W08/0413 - Waitrose, Talisman Square, Warwick Road, Kenilworth

Councillor Ms Blacklock declared a personal interest because the application site was in her ward and some of the objectors were know to her.

Minute Numbers 222 & 223 – W08/0503 & W08/0527 LB - 52 Leam Terrace, Leamington Spa

Councillor Barrott declared a personal interest because the application site was in his ward.

Councillor Edwards declared a personal and prejudicial interest because the applicant was a personal friend and he left the room while the item was considered.

Minute Number 224 – W08/0741 - 1 to 12, St Margarets House, Church Close, Whitnash

Councillor Barrott declared a personal and prejudicial interest because one of the residents was a long standing personal friend and he left the room while the item was considered.

Minute Number 225 – W07/1750 - Plot 1001 Tournament Fields, Stratford Road, Warwick

Councillor Copping declared a personal interest because he was a former employee of Warwick Hospital and a member of the Warwick Hospital Foundation Trust Bid.

Minute Number 228 – W08/0804 - 23 Avon Street, Warwick

Councillor Barrott declared a personal interest because the applicant was known to him.

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

### **220. HURRANS GARDEN CENTRE, MYTON ROAD, WARWICK**

The Committee considered an application from Lidl UK GmbH for the erection of a food store, service area, car park and ancillary work.

The application had been submitted for determination by the Committee because of the number of objections which had been received as well as an objection from Warwick Town Council. A report was prepared for the meeting of the Committee on 30 April 2008, but was withdrawn before the Committee meeting because an additional objection, in the form of a report from transport consultants, acting on behalf of local residents was received.

The Committee had previously visited the site because it had been considered that this would benefit the Committee when determining the application.

The Head of Planning considered the following policies to be relevant to the application:

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

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

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

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

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

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

The following people addressed the Committee:

Objectors	Mr Denison Mr Ritchie
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Supporters	Mr Pritchard Mr Bergman
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Ward Councillor (objecting) Councillor Guest

In the opinion of the Head of Planning, the proposed redevelopment of the site was not considered to have a materially detrimental impact on the amenities of the area and was considered to achieve acceptable standards of layout and design. The Highway Authority had no objection to the transport issues raised by the application and the applicants had proposed significant improvements to the landscaping of the site, to the canal frontage and access to it. The proposal was therefore considered to comply with the policies listed.

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

Following consideration of the officers' report and presentation along with the information contained within the addendum and representations from the public addressing the Committee, the Committee were of the opinion that the application should be granted in line with the officers recommendation.

**RESOLVED** that following the signing of a legal agreement relating to off-site landscaping and maintenance, and green travel plan for staff, application W07/0267 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 drawings 2257-10G, -11C, -12F, 06-05/02D, /03-1D, 03-2D and specification contained therein, submitted on 13 February and 7 March 2007, unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3;
- (3) notwithstanding the details shown on the approved plans, samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (4) the landscaping scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. Any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of similar

## PLANNING COMMITTEE MINUTES (Continued)

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 shall be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;

- (5) details (including particulars of noise levels and location) of any plant likely to cause noise, including air conditioning, ventilation, refrigeration and compaction systems, shall be submitted to and approved by the Local Planning Authority before any works commence on site. 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;
- (6) development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by methane or carbon dioxide and on the remedial measures required to deal with the hazards. No development shall be commenced until all toxic or obnoxious materials have been removed or otherwise treated in accordance with details which have been approved in writing by the District Planning Authority. **REASON** : To protect the health and safety of future occupiers;
- (7) notwithstanding anything shown on the approved plans, no development shall be carried out on the site which is the subject of this permission, until details of the form and design of the access between the site and the canal have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise

## PLANNING COMMITTEE MINUTES (Continued)

than in full accordance with such approved details. **REASON** : The District Council and British Waterways wish to promote access to the canal for all and the proposals as submitted may restrict access for certain sections of the community;

- (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. 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;
- (9) no development shall be carried out on the site which is the subject of this permission, until details of sustainable drainage systems for surface water have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To reduce the risk of flooding and to satisfy the requirements of policy DP11 of the Warwick District Local Plan 1996-2011;
- (10) no external lighting shall be installed on any external wall or roof of any building or within the open land comprised in the application site other than in accordance with details first submitted to and approved in writing by the District Planning Authority. **REASON** : To protect the amenity of the occupiers of nearby properties, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan;
- (11) the refrigeration systems on delivery lorries shall be switched off whilst the vehicle is visiting the site. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan;

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

- (12) officers to agree more restricted delivery times designed to avoid rush hours and school times. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy ENV3 of the Warwick District Local Plan;
- (13) notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the food store premises shall be used as a deep discount retail store only and for no other purpose within Class A1, including for the sale of comparison goods. **REASON** : To satisfy the requirements of policy UAP3 of the Warwick District Local Plan 1996-2011 and in view of the special circumstances put forward by the applicant;
- (14) there shall be no outdoor storage or display of equipment, plant, goods or materials within the site. **REASON** : To protect the amenities of the area, in accordance with policy DP2 of the Warwick District Local Plan 1996-2011;
- (15) the development shall not be occupied until the sweet chestnut tree shown to be removed on plan no. 06-05/02D has been removed. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (16) the access to the site for vehicles shall not be used unless the existing bellmouth has been improved in accordance with the agreed details as shown on plan 2257-10C. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan;
- (17) opening hours be restricted to 0800 to 2100 Monday to Saturday; and
- (18) disabled/parent parking be amended, notwithstanding what has been submitted.

### **221. WAITROSE, TALISMAN SQUARE, WARWICK ROAD, KENILWORTH**

The Committee considered an application from Cobalt Estates Ltd for external lighting for the Waitrose site, service roads and car park.

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

The application had been submitted for determination by the Committee because of the number of objections which had been received.

The Head of Planning 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 person addressed the Committee:

Objector Ms H Lynam

In the opinion of the Head of Planning, the development achieved acceptable standards of layout and design and did not give rise to any harmful effects which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officers' report and presentation along with the information contained within the addendum and representation from the public addressing the Committee, the Committee were of the opinion that the application should not be granted in line with the officers recommendation, but deferred for further negotiation.

**RESOLVED** that application W08/0413 be DEFERRED for further negotiation expressing the Committees' concern with regard to the effect on existing and future residential properties.

### **222. 52 LEAM TERRACE, LEAMINGTON SPA**

The Committee considered an application from Mr D Shaw to retain the windows in a top floor flat (flat 5), the partial replacement and repairs to the flat roof and pitched roof.

The application had been submitted for determination by the Committee because a request had been made by Councillor Weed.

The Head of Planning considered the following policies to be relevant to the application:

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

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

Windows in Listed Buildings and Conservation Areas (Supplementary Planning Guidance)

The following people addressed the Committee:

Supporter of application Mr M Wallbank  
Ward Councillor (supporting application) Councillor Weed





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

In the opinion of the Head of Planning, the development should be refused because Policy DAP4 of the Warwick District Local Plan 1996-2011 stated that consent would not be granted to alter or extend a listed building where those works would adversely affect its special character or historic interest, integrity or setting.

In the opinion of the Head of Planning, the proposal to retain the white plastic window frames within the dormer windows would be wholly unacceptable as a modern, non-traditional material on a historic building. It was considered that the plastic window frames caused damage to the character and appearance of this building and the proposal, if allowed, would set an unwelcome precedent which would make other similar proposals more difficult to resist.

The proposal was thereby considered to be contrary to the aforementioned policy.

Following consideration of the officers' report and presentation along with the information contained within the addendum and representations from the public addressing the Committee, the Committee were of the opinion that the application should be granted, contrary to the officers' recommendation.

**RESOLVED** that application W08/0527 LB be GRANTED, contrary to the officers' recommendation because, as an exception, to carry out the work would aggravate roof problems and there would be little impact on the Listed Building.

### **224. 1 TO 12, ST MARGARETS HOUSE, CHURCH CLOSE, WHITNASH**

The Committee considered an application from Jephson Housing Association for the proposed replacement of existing timber windows to all flats with PVC timber effect double glazed windows of the same design and colour as existing.

The application had been submitted for determination by the Committee because a request had been made by Councillor Kirton.

The Committee had previously visited the site because it had been considered that this would benefit the Committee when determining the application.

The Head of Planning considered the following policies to be relevant to the application:

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

DAP9 - Unlisted Buildings in Conservation Areas (Warwick District Local Plan 1996 - 2011)

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

Windows in Listed Buildings & Conservation Areas (Supplementary Planning Guidance)

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

The following person addressed the Committee:

Ward Councillor (supporting application) Councillor Kirton

In the opinion of the Head of Planning, the development related to a modern building situated within the Whitnash Church Green Conservation Area. Policy DAP8 of the Warwick District Local Plan 1996-2011 required development to preserve or enhance the special architectural and historic interest of the District's Conservation Areas. Meanwhile, Policy DAP9 stated that alterations which adversely affected the character, appearance or setting of a Conservation Area would not be permitted. The Council had also produced Supplementary Planning Guidance entitled "Windows in Listed Buildings and Conservation Areas", which stated that planning permission would not be granted for the use of plastic windows in unlisted buildings in Conservation Areas.

The application property was situated in a prominent and sensitive location within the Conservation Area, fronting onto the green in front of the Grade II listed St. Margaret's Church, and adjacent to the Grade II listed timber framed cottages at Nos. 30-32 Whitnash Road. The existing building was designed to respond to the traditional buildings around it, and the timber framed windows were an important part of this design.

Furthermore, the plastic windows would represent an alien modern feature within this traditional setting and would cause unacceptable harm to the character and appearance of the Conservation Area. It was further considered that granting planning permission for plastic windows in this case would set an undesirable precedent and would make it harder for the Council to resist the installation of plastic windows in other buildings in this Conservation Area and in other Conservation Areas elsewhere in the District. The cumulative effect of a number of similar proposals would seriously undermine the traditional character and appearance of the Conservation Areas of the District.

The development was thereby considered to be contrary to the aforementioned policies.

Following consideration of the officers' report and presentation along with the information contained within the addendum and representation from the public addressing the Committee, the Committee were of the opinion that the application should be deferred.

**RESOLVED** that application W08/0741 be DEFERRED for further investigation of more sympathetic alternatives.

### **225. PLOT 1001 TOURNAMENT FIELDS, STRATFORD ROAD, WARWICK**

The Committee considered an application from Health Properties (Warwick) Limited for the erection of an independent hospital with ancillary clinics and associated infrastructure.

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

The application had been submitted for determination by the Committee because of the level of public interest that had been generated and to enable consideration of the issue of the protection of employment land.

The Head of Planning considered the following policies to be relevant to the application:

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP10 - Flooding (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)
- SC2 - Protecting Employment Land and Buildings (Warwick District Local Plan 1996 - 2011)
- SC7 - Directing Community Facilities (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the development was considered to accord with employment policies in the Regional Spatial Strategy and the Warwick District Local Plan 1996-2011. Furthermore, the location, design and layout were reconsidered acceptable and did not cause harm to other interests of acknowledged importance. The development was therefore considered to satisfy the objectives of the policies listed.

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

**RESOLVED** that application W07/1750 be GRANTED subject to the conditions listed below and a Section 106 Agreement to require the development to be implemented in accordance with the requirements of the Environment Agency, in respect of the provision of the flood alleviation scheme and the implementation of a Green Travel Plan:

- (1) this permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
  - (a) the layout, scale and appearance of the proposed hospital and ancillary clinics,
  - (b) details of landscaping.**REASON** : To comply with Section 92 of the Town and Country Planning Act 1990 as amended;

## PLANNING COMMITTEE MINUTES (Continued)

- (2) in the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990;
- (3) the development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON :** To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (4) the reserved matters referred to above shall be broadly in accordance with the details shown on the submitted drawings (4320/B, 3310/B, 3320/B, & 4310/B). **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;
- (5) no development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, fully incorporating appropriate SuDS techniques where possible, has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.  
**REASON :** To prevent the increased risk of flooding by ensuring the satisfactory means of surface water disposal, in accordance with policy DP1 of the Warwick District Local Plan 1996-2011;
- (6) the development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until

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

the scheme has been implemented to the satisfaction of the District Planning Authority.

**REASON** : In the interests of fire safety;

- (7) no development shall be carried out on the site which is the subject of this permission, until a plan showing 43m forward visibility on approaches to the proposed roundabouts has been submitted to and approved by the District Planning Authority. The plan should show that there will be no planting higher than 600mm within these visibility envelopes. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure safe highway facilities are provided, in accordance with policy DP1 of the Warwick District Local Plan 1996-2011;
- (8) floor levels shall be set at or above a level of 50.2m AOD(N). **REASON**: To protect the development from flooding, in accordance with the requirements of policies DP1 and DP10 of the Warwick District Local Plan 1996-2011;
- (9) there shall not be any direct access from Edgehill Drive for development or construction traffic. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (10) prior to the first occupation of the development, the access road serving the site as approved by application W04/1225 (or as otherwise may be agreed in writing with the local planning authority) shall be completed and made available for public use. **REASON** : To ensure that proper access facilities are available, in accordance with policies DP1 and DP6 of the Warwick District Local Plan 1996-2011.

### **226. MEADOW HILL FARM, LAPWORTH STREET, BUSHWOOD, LOWSONFORD, HENLEY-IN-ARDEN**

The Committee considered an application from Mr G Wood for the use of farm buildings as part of a house and the erection of a two storey rear extension.

The application had been submitted for determination by the Committee because an objection had been received from Lapworth Parish Council.

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

The Head of Planning 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)

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

RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the development respected the scale, design and character of the original dwelling and did not harm the general openness or rural character of the green belt within which the property was situated. The proposal was therefore considered to comply with the policies listed.

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

**RESOLVED** that application W08/0351 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) Proposed ground floor, Proposed first floor, Proposed East Elevation, North Elevation, Proposed South and West Elevation, and specification contained therein, submitted on 4th June 2008 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.

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

### **227. 52 CHAPEL LANE, LAPWORTH, SOLIHULL**

The Committee considered an application from Mr Steven Dodd for the erection of a replacement dwelling and detached garage (revised design).

The application had been submitted for determination by the Committee because an objection had been received from Lapworth Parish Council.

The Head of Planning considered the following policies to be relevant to the application:

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

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

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

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

RAP3 - Replacement Dwellings (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the development dwelling was not materially larger than the existing dwelling and did not result in a greater impact on the character and openness of the rural area. The proposal was therefore considered to comply with the policies listed.

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

**RESOLVED** that application W08/0721 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) (1604/31A, 1604/33A, 1604/34A, 1604/35A received on 20 June 2008, and 1604/32 received on 13 May 2008), 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)

- (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 DP1 of the Warwick District Local Plan 1996-2011;
- (4) 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;
- (5) 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 and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011; and
- (6) a hedge shall be planted along the road frontage, details of which shall previously have been 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. In the event of any failures or



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

loss through damage during the first five years after planting, the hedge shall be replaced, in whole or in part, at the next appropriate season.

**REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies D1 and D2 of the Warwick District Local Plan 1996-2011.

### **228. 23 AVON STREET, WARWICK**

The Committee considered an application from Mr H S Khungay for the erection of a two storey side extension and additional garage.

The application had been submitted for determination by the Committee because an objection had been received from Warwick Town Council.

The Head of Planning 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)

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

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

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

**RESOLVED** that application W08/0804 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) 633-02 Rev.D, and specification contained therein, submitted on 28 May 2008 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

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

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

- (3) 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 the first floor east elevation of the extension. **REASON** : To retain control over future development so that the residential amenity of adjoining occupiers is protected and to help meet the objectives of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

### **229. KISMET, 11 SPENCER STREET, LEAMINGTON SPA**

The Committee considered a report from the Planning Enforcement Team regarding the unauthorised installation of rear fume extraction system.

The matter was presented to the Committee in order to request the authorisation of enforcement action.

In July 2007, it was brought to the attention of the Enforcement Section by the Environmental Health Department that a fume extraction system flue had been installed on the rear elevation of this Listed Building.

Extensive contact had been made with the owner and his planning agent who had been advised that by reason of its design and appearance, the flue was not acceptable on a Listed Building and an application for a revised system had not been forthcoming.

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

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

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

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

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

**RESOLVED** that officers be authorised to proceed with appropriate enforcement action directed at the removal of the unauthorised flue, with a compliance period of 3 months.

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

### **230. THE OYSTER LOUNGE, 12-14 JURY STREET, WARWICK**

The Committee considered a report from the Planning Enforcement Team regarding the installation of a steel kitchen fume extraction system ducting and flue on the rear/side elevation.

The matter was presented to the Committee in order to request the authorisation of enforcement action.

In May 2005 it had been brought to the attention of the Enforcement Section that a steel kitchen fume extraction system had been installed on the rear/side elevation at The Oyster Lounge, Jury Street, Warwick.

In January 2005, Planning Permission [W04/2092] granted consent for the installation of a fume extraction system to the rear. In March 2005 Listed Building Consent [W05/0143LB] had been granted for internal alterations and installation of an extract duct at the rear.

The approved plans on both applications showed the fume extraction system to be encased, rendered with smooth cement and painted with masonry paint. The steel extraction system had been installed, but not encased.

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

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DAP4 - Protection of Listed Buildings (Warwick District Local Plan 1996 - 2011)  
DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

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

**RESOLVED** that officers be authorised to proceed with appropriate enforcement action directed at the removal of the extraction duct, with a compliance period of 3 months.

### **231. SITES AT GREYS MALLORY/SPINNEY FARM, BANBURY ROAD, BISHOPS TACHBROOK, WARWICK – SUMMARY OF APPEAL DECISIONS**

The Committee considered a report from Planning on the summary of appeals for various sites at Greys Mallory/Spinney Farm, Banbury Road, Bishops Tachbrook, Warwick.

The report summarised recent appeal decisions issued in respect of Spinney Farm. This had been a complex enforcement case, related to a site which members visited prior to authorising enforcement action, with further appeals scheduled to take place later this year.

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

The three appeal decisions which were detailed in the report were:

Appeal A: Against Enforcement notice regarding erection of buildings and yards used as pig fattening pens within Half Moon Plantation;

Appeal B: Against Enforcement notice regarding erection of building currently used as a pig farrowing house – adjacent to north west boundary; and

Appeal C: Against Enforcement notice regarding mixed residential/ agricultural use and associated caravan – adjacent to north west boundary.

### **RESOLVED** that

- (1) the report be noted; and
- (2) the Committee wishes to record its appreciation of the commitment of the case officer, David Edmonds, to a complex and difficult case.

(The meeting ended at 9.50pm)