

PLANNING COMMITTEE

Minutes of the meeting held on Wednesday 29 October 2008 in the Town Hall, Royal Leamington Spa at 6.00pm.

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

544. **DECLARATIONS OF INTEREST**

Minute Numbers 546 W08/0119LB – Warwick Museum, Market Place, Warwick

Councillors Dhillon and Mrs Higgins declared a personal interests because the application site was within their ward.

Minute Number 552 W08/1086 – 439 Tachbrook Road, Whitnash

Councillor Copping declared a personal and prejudicial interest because the applicant was known to him and was also a personal friend and therefore left the room while the item was considered.

Minute Numbers 554 W08/1246 – Shop 3, Slade Hill, Hampton Magna, Budbrooke

Councillor Rhead declared a personal interest because the application site was within his ward.

Minute Numbers 555 W08/1259 – 5 Stratford Road, Warwick

Councillor Dhillon declared a personal interest because the application site was within his ward.

Minute Numbers 556 W08/1290 – 26 Harger Court, Kenilworth

Councillor Illingworth declared a personal interest because the application site was within his ward.

Minute Numbers 557 TPO 378 – 11 Church Street, Barford, Warwick

Councillor Rhead declared a personal interest because the application site was within his ward.

545. **SHIRES RETAIL PARK, TACHBROOK PARK DRIVE, WARWICK**

The Committee considered an application from The Gibraltar Ltd Partnership for the demolition of the front part of unit B, construction of three retail units of replacement floorspace, demolition of the garden centre and construction of a new garden centre to rear of unit C, re-design of front elevations of units B-J, minor works to the rear elevations of units B and H2 and enhancements to the public area including rationalisation of car parking and access.

The application was presented to the Committee because an objection had been received from Warwick Town 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)

DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)

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

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

DP14 - Crime Prevention (Warwick District Local Plan 1996 - 2011)

DP15 - Accessibility and Inclusion (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)

In the opinion of the Head of Planning, the development achieves acceptable standards of layout and design, does not have any material impact on existing shopping centres and did not give rise to any other 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, presentation and information within the addendum to the Committee, it was proposed and duly seconded that the application be granted.

RESOLVED that application W08/1149 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 (AAA4815 P02 C, AAA48 15 P03, AAA4815 P05, AAA4815 P07 A AAA4815 P08, AAA4815P10 A, AAA48 15 P12, AAA4815 P13, AAA4815 P015 A, AAA4815P017 B, AAA4815 P18, AAA4815 P20B, AAA4815 P21, AAA4815 P23, AAA4815 P25 B, AAA4815 P26, AAA4815 P28, AAA4815 P30A, AAA4815 P31, AAA4815 P32, AAA4815 P33, AAA4815 P37, AAA48 15 P38, AAA48 15 P39, AAA48 15 P41, AAJ4794 AL-001D, AAJ4794 AL-002D, AAJ4 794 AL-003B, AAJ4794 AL-004A, C3O5O/ES/06) and specification contained therein, submitted on 5 August 2008, unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to

PLANNING COMMITTEE MINUTES (Continued)

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

- (3) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of the new-build part 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 manufacturer's 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;
- (4) the new retail floorspace shown as units B2a, B2b and B2c on plan no. AAA4815/P02 rev.C shall not be opened for trading until the existing retail floorspace shown for demolition on that plan has been demolished to the satisfaction of the local planning authority. **REASON:** To ensure that additional shopping floorspace is not created, in accordance with policy UAP3 of the Warwick District Local Plan 1996-2011;
- (5) 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 size and species to those originally required to be planted. **REASON:** To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011;
- (6) the new units permitted by this permission, (shown as units B2a, B2b and B2c on drawing AAA4815/P02 rev.C) shall be used for comparison retailing and for no other purpose including any other purpose in Class A1 of Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as

PLANNING COMMITTEE MINUTES (Continued)

amended (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). **REASON:** The sale of convenience goods would not be appropriate as no justification for the need for additional convenience shopping space has been submitted, and to satisfy Policy UAP3 of the Warwick District Local Plan 1996-2011; and

- (7) Notwithstanding any details shown on the application plans, details of the surface treatment of any new or resurfaced parking areas within the application site, shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced and no surface materials other than those so approved shall be used for the construction of those areas. **REASON:** To ensure satisfactory provision is made for sustainable disposal of surface water in order to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011

546. WARWICK MUSEUM, MARKET PLACE, WARWICK

The Committee considered an application from Warwickshire County Council (WCC) for the relocation of the main entrance to provide new ramped access, glazed sliding door and security bollards. Also, reinstatement of existing window to infill old entrance bay and alteration of internal timber partitions and replacement of glazing to all ground floor windows.

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

The application was deferred at Planning Committee on 13 March 2008 for the application to be referred back to WCC as the applicants, for them to consider the objections raised by Warwick Town Council, the Warwick Society and Conservation Area Advisory Forum (CAAF), in order to bring forward an amended scheme.

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

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

The following people addressed the Committee:

Councillor Mrs Mellor Ward Councillor (Objecting)

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

PLANNING COMMITTEE MINUTES (Continued)

The Committee received additional information in the addendum received from the Conservation Area Advisory Forum (CAAF). The Committee agreed with the comments they made and voted in favour of these comments being referred to the Secretary of State as part of the recommendation.

Following consideration of the officers report, presentation, information within the addendum and the Ward Councillor addressing the Committee, it was proposed and duly seconded that the application be granted with the referral of the comments made by CAAF and agreed by the Committee, to the Secretary of State.

RESOLVED that application W08/0119LB be referred to the secretary of state with a recommendation that consent be GRANTED, with an indication that members support the comments of the CAAF set out below, and to the following conditions:

‘Significant discussion took place as both the Town Council and the Warwick Society had objected to this proposal. Suggestions were made for a more traditional approach and the engraving of the upper arched area to match the tracery of the traditional windows. It was, however, agreed by all that the planar glazed approach was the most appropriate. The word Market Hall should be omitted and the word Museum placed immediately above the door in the rectangular glass area. It was also considered that the transom above the door should be raised to the higher level to align through with the transoms of the adjacent windows. This may necessitate increasing the height of the doors and the location of the word ‘Museum’. The plasma screens, it was felt, detracted from the quality of the building and should not be placed at either side of the glazed door.’

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) (numbers 23C; 24B; 25B), and specification contained therein, submitted on 2 September 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;

PLANNING COMMITTEE MINUTES (Continued)

- (3) no development shall take place until details of the paint colour to be used for the window frames have been submitted to and approved by the District Planning Authority. 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; and
- (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.

547. WOODCOTE, WARWICKSHIRE POLICE HEADQUARTERS, WOODCOTE LANE, LEEK WOOTTON

The Committee considered an application from Warwickshire Police Authority for the change of use from offices class B1 to class C2 (Residential Institution).

The application was presented to Committee because an objection from Leek Wootton and Guyscliffe Parish Council had been received.

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)

SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)

The following people addressed the Committee:

Councillor P Eldridge Parish Councillor (Objecting)

Mr P Frampton Agent/Supporter

In the opinion of the Head of Planning, the development does not prejudice the openness and rural character of the green belt area and would not harm the character and appearance of the listed building. The proposals were therefore considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the officers report, presentation and members of the public addressing the Committee, it was proposed and duly seconded that the application be granted.

RESOLVED that application W08/0873 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) 406.4/10E and specification contained therein, submitted on 10 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;
- (3) before any works 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; and
- (4) no development shall be carried out on the site which is the subject of this permission, until details of a Green Travel Plan (to promote sustainable transport choices to the site, and the measures proposed to be carried out) have been submitted to and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in full

PLANNING COMMITTEE MINUTES (Continued)

accordance with such approved details.

The plan shall:

-1) specify targets for the proportion of employees and visitors travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;

-2) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;

-3) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

REASON : To satisfy the aims of PPG13 in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site.

548. WOODCOTE, WARWICKSHIRE POLICE HEADQUARTERS, WOODCOTE LANE, LEEK WOOTTON

The Committee considered an application from Warwickshire Police Authority for the use of Woodcote Manor for a purpose within Class B1 (a) Offices as defined by the Town and Country Planning (Use Classes) Order 1987.

The application was presented to Committee because an objection from Leek Wootton and Guyscliffe Parish Council had been received.

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)

SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)

The following people addressed the Committee:

Councillor P Eldridge Parish Councillor (Objecting)

Mr P Frampton Agent/Supporter

In the opinion of the Head of Planning, the development did not prejudice the openness and rural character of the green belt area and would not harm the character and appearance of the listed building. The proposals were therefore considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the officers report, presentation and members of the public addressing the Committee, it was proposed and duly seconded that the application be granted.

RESOLVED that application W08/0875 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) 406.4/10E and specification contained therein, submitted on 10 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;
- (3) before any works 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; and
- (4) no development shall be carried out on the site which is the subject of this permission, until details of a Green Travel Plan (to promote sustainable transport choices to the site, and the measures proposed to be carried out) have been submitted to and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in full

PLANNING COMMITTEE MINUTES (Continued)

accordance with such approved details.

The plan shall:

-1) specify targets for the proportion of employees and visitors travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;

-2) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;

-3) identify a senior manager of the business using the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development.

REASON : To satisfy the aims of PPG13 in reducing reliance on the use of private motor vehicles in order to promote sustainable transport choices to the site.

549. WARWICKSHIRE POLICE HEADQUARTERS, WOODCOTE LANE, LEEK WOOTTON

The Committee considered an application from the Warwickshire Police Authority for the redevelopment of the Warwickshire Police Headquarters with details submitted of phase 1; layout of site; scale of development and means of access comprising alterations to existing access.

The application was presented to the Committee in view of the concerns of the Leek Wootton and Guyscliffe Parish Council and since it represented a departure from policy and therefore fell outside the scope of the delegation agreement.

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

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

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

DAP6 - Upper Floors within Listed Buildings and Conservation Areas (Warwick District Local Plan 1996 - 2011)

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

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

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

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

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

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

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

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

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

DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
RAP8 - Replacement of Rural Buildings (Warwick District Local Plan 1996 - 2011)
SSP2 - Major Developed Sites (Warwick District Local Plan 1996 - 2011)

The following people addressed the Committee:

Councillor P Eldridge	Parish Councillor (Objecting)
Mr P Frampton	Agent/Supporter

In the opinion of the Head of Planning, the development did not have a seriously detrimental impact on the openness of the green belt and the setting of the listed building would be improved. Satisfactory transport arrangements have been put in place and the proposal allowed Warwickshire Police to have modern purpose-built premises. It was therefore considered that there are very special circumstances sufficient to warrant a departure from development plan policy.

Following consideration of the officers report, presentation and members of the public addressing the Committee, it was proposed and duly seconded that the application be granted.

RESOLVED that after reference to the Secretary of State as a departure from the Development Plan and following the completion of a legal agreement to secure traffic management improvements, contributions to the cycleway and implementation of a green travel plan. Application W08/0935 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 803/210, /211, /212, /213, /214, /215, /240, & /241; and specification contained therein, submitted on 10 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;
- (3) no development on the phase 2 building shall be carried out until full details of the building (including floor plans and elevations) have been submitted to and approved in writing by the District Planning Authority. The development shall not be carried out otherwise than in full

PLANNING COMMITTEE MINUTES (Continued)

accordance with such approved details. The submission shall be broadly in accordance with the draft details submitted on drg. number 0803/230, submitted on 10 June 2008.

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;

- (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) the development hereby permitted (including demolition) shall not commence until a further bat survey of the site, to include a day/night time activity survey, preferably during May to August, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation plan shall thereafter be implemented in full. **REASON** : To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (6) before any works are first commenced, a survey of the premises by a suitably experienced and licensed badger surveyor shall be undertaken to demonstrate the presence, absence or usage of the site by badgers. In the event that the survey demonstrates the presence or usage of the site by badgers, a report recommending mitigation measures to ensure they will be protected during the works shall be submitted to and approved in writing by the District Planning Authority before the works are commenced. The approved mitigation measures shall be wholly implemented strictly as approved. **REASON**: To ensure the protection of badgers and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (7) no development shall be carried out on the site which is the subject of this permission, until details of a detailed schedule of grass snake mitigation measures (to include prevention of injury during works, habitat enhancement and monitoring) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** :To ensure the protection of grass snakes and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011;
- (8) no work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **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;
- (9) 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;
- (10) no development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows, and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure a satisfactory standard of design and appearance in the setting of this Listed Building,

PLANNING COMMITTEE MINUTES (Continued)

and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011;

- (11) prior to the commencement of the development hereby permitted, a plan to show the surface treatment of car parking spaces, access drives, cycleways and pathways shall have been submitted to and approved by the District Planning Authority. These areas shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON :** To ensure that the surface finish of the paved areas is satisfactory, in accordance with the requirements of Policies DP1 and DAP6 of the Warwick District Local Plan 1996-2011;
- (12) no development shall be carried out on the site which is the subject of this permission, until details of a construction management plan have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON :** To ensure safety on the highway, in accordance with policy DP1 of the Warwick District Local Plan 1996-2011;
- (13) no occupation of the development hereby approved shall take place until a travel plan for the development has been submitted to, and approved in writing by the Local Planning Authority in consultation with the Highways Agency. **REASON :** To ensure all reasonable steps have been put in place to deliver sustainable travel to and from the site to enable the A46 Trunk Road to continue to be an effective part of the national system of routes for through traffic, in accordance with Section10(2) of the Highways Act 1980 and to protect the interest of road safety;
- (14) 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

PLANNING COMMITTEE MINUTES (Continued)

sewage and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011;

- (15) 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;
- (16) the development hereby approved shall not be occupied until the visibility splays shown on drgs. JNY/5145/018A and JNY5145/19A have been provided to the public highway carriageway, in full accordance with those drawings. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (17) the buildings shown on the approved plans as the 'Police Headquarters' (both phase 1 and 2,) shall only be used by the Police Authority and its associated agencies in the provision of policing services and for no other purpose including any other purpose in Class B1 of Part B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. **REASON** : Other uses within this Use Class would be inappropriate in this green belt location.
- (18) the demolition of the existing buildings to be demolished within 6 months of the first new building being completed;

PLANNING COMMITTEE MINUTES (Continued)

- (19) 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 DP1 of the Warwick District Local Plan 1996-2011; and
- (20) No development shall be carried out on the site which is the subject of this permission until details of the following matters have been submitted to and approved by the District Planning Authority: a) the phasing of the demolition of the buildings to be demolished, showing how this will be related to the first use of the new buildings to be constructed; b) the treatment of the sites of the demolished buildings, including soil reinstatement and planting. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON**: To ensure that demolition is carried out in a timely fashion and that the sites of buildings are treated appropriately after demolition, in accordance with policies DP1, DP3, DAP1, DAP4 and DAP11 of the Warwick District Local Plan 1995-2011.

PLANNING COMMITTEE MINUTES (Continued)

550. BINSWOOD HALL, BINSWOOD AVENUE, LEAMINGTON SPA

The Committee considered an application from Raven Audley Binswood Ltd for part demolition, conversion, refurbishment and partial rebuilding of existing redundant sixth-form college and change of use from Class D1 (non-residential institution) to Class C2 (residential institution), with construction of new buildings, to form an extra-care centre for the elderly consisting of 82 extra-care apartments and ancillary accommodation including treatment rooms, hydrotherapy, restaurant, bar, bistro, gymnasium, guest room, remedial care and hairdressing facilities.

The application was presented to the Committee because of the scale of the development and because of the number of comments 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 were relevant to the application:

The District Council has produced a Brief to guide the future development of this site; North Leamington School Binswood Hall Development Brief. (NB. This can be seen on the District Council Website).

Government Guidance on 'Planning and the Historic Environment' is contained in PPG15.

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

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

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

DP5 - Density (Warwick District Local Plan 1996 - 2011)

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

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

DP11 - Drainage (Warwick District Local Plan 1996 - 2011)

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

SC8 - Protecting Community Facilities (Warwick District Local Plan 1996 - 2011)

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

DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

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

Vehicle Parking Standards (Supplementary Planning Document)

The following people addressed the Committee:

Councillor Ms Dean Conservation Area Advisory Forum (Objecting)

Mr Krauze Applicant

In the opinion of the Head of Planning, the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserves the character and appearance of the Conservation Area within which the property was situated and did not cause unacceptable harm to the amenity of the occupiers of neighbouring properties. The proposal was therefore considered to comply with the policies listed.

PLANNING COMMITTEE MINUTES (Continued)

Following consideration of the officers report, presentation and members of the public addressing the Committee, it was proposed and duly seconded that the application be granted.

RESOLVED that application W08/0924 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) except as may be required by the conditions below, the development hereby approved shall be carried out strictly in accordance with the plans identified as retained and new deposited plans in the applicant agents letter dated 12th June 2008, as amended by the revised plans 614PO1 rev. F, 614 PO9 rev. C and 614 P10 rev D submitted with the applicant agents letter dated 3rd October 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 Policy DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (3) the development hereby permitted shall be occupied and used at all times following the first commencement of the use hereby permitted, as a single planning unit falling within the definition of a residential institution for the provision of residential accommodation and care to people in need of care and for no other purpose whatsoever, including any other use in Class C2 in the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. **REASON** : This development has been permitted solely on the basis of the characteristics of the use proposed, having regard in particular to the District Council policies on Managing Housing Supply and Affordable housing as contained in the Warwick District Local Plan 1991-2011);
- (4) other than staff accommodation which may be

PLANNING COMMITTEE MINUTES (Continued)

provided on-site and the guest suite, each unit of accommodation hereby permitted shall be occupied by at least one person in need of personal care by reason of old age, infirmity or disablement. **REASON** : To ensure that the units of accommodation hereby approved are solely occupied in accordance with the use of the site as a residential institution for the provision of residential accommodation and care to people in need of care and for no other purpose whatsoever, having regard in particular to the District Council policies on Managing Housing Supply and Affordable housing as contained in the Warwick District Local Plan 1996-2011;

- (5) the development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details and monitoring has been submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **REASON** : To ensure adequate protection is given to bats in accordance with the requirements of Policy DP3 in the Warwick District Local Plan 1996-2011);
- (6) throughout the development process trees on site shall be protected and operations conducted strictly in accordance with the Tree Protection Plan and Method Statement, 238-008-RY/BH dated June 2008. In addition trees labelled T72 and T73 on Landscape Agency drawing 238-01A shall be protected in a similar manner to that described for T38 at section 3.4 of the Tree Protection Plan and Method Statement the highway verge adjacent to these trees shall be fenced to prevent disturbance by contractor's vehicles. Any deviation from procedures and constraints described in the Tree Protection Plan and Method Statement shall only be with the prior written agreement of the District Planning Authority. **REASON** : To protect mature tree cover on and adjacent to the site and preserve the character and appearance of the Conservation Area, as required by Policies DP3 and DAP8 in the Warwick District Local Plan 1996-2011;
- (7) prior to commencement of any development a plan shall be submitted to and approved by the

PLANNING COMMITTEE MINUTES (Continued)

District Planning Authority showing the proposed routes of all underground services, including (but not limited to) electricity, gas, communications, water, foul and storm water drainage and any storm water storage areas. The permission shall be implemented only in accordance with this plan. **REASON** : To ensure the protection of mature tree cover on and adjacent to the site and preserve the character and appearance of the Conservation Area as required by Policies DP3 and DAP8 in the Warwick District Local Plan 1996-2011;

- (8) prior to commencement of any development a plan shall be submitted to and approved by the District Planning Authority showing the existing and proposed finished levels within the Roof Protection Areas (as defined on drawing 238-01A) of all retained trees, along with detailed cross sectional drawings of all hard surfaces to be installed within these areas. The permission shall be implemented only in accordance with this approved plan. **REASON** : To protect mature tree cover on and adjacent to the site and preserve the character and appearance of the Conservation Area, as required by Policies DP3 and DAP8 in the Warwick District Local Plan 1996-2011;
- (9) notwithstanding the details shown on the approved plans prior to the first occupation of any unit of accommodation hereby permitted, a landscaping scheme for the whole of those parts of the site not to be covered by buildings shall be submitted to and approved by the District Planning Authority before the development hereby permitted is commenced. The scheme shall include details of both 'soft' and hard landscaping and shall include details of boundary treatment, in particular along the Binswood Avenue frontage. Such approved scheme shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted, and any trees removed, dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally required to be planted. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy DP1 of the Warwick

PLANNING COMMITTEE MINUTES (Continued)

District Local Plan 1996-2011;

- (10) the applicant shall submit a Green Travel Plan to promote sustainable transport choices to the site, the measures proposed to be carried out within the plan to be approved by the District Planning Authority in writing, in consultation with the County Council as Highway Authority. The measures (and any variations) so approved shall continue to be implemented thereafter, in full at all times. The plan shall:
- (i) specify targets for the proportion of employees and visitors travelling to and from the site by foot, cycle, public transport, shared vehicles and other modes of transport which reduce emissions and the use of non-renewable fuels;
 - (ii) set out measures designed to achieve those targets together with timescales and arrangements for their monitoring, review and continuous improvement;
 - (iii) identify a senior manager of the business occupying the site with overall responsibility for the plan and a scheme for involving employees of the business in its implementation and development. **REASON** : To ensure that reasonable efforts are made to reduce car borne traffic in accordance with Policies DP7 and DP8 in the Warwick District Local Plan 1996-2011;
- (11) prior to the commencement of the development hereby permitted a plan to show the layout and surface treatment of a cycle parking area for use in association with the development shall have been submitted to and approved by the District Planning Authority. The cycle parking area shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan. **REASON** : To ensure that there are adequate cycle parking facilities to serve the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011;
- (12) notwithstanding the details shown on the approved plans, a detailed car parking layout including the provision of an ambulance space and disabled car parking shall be submitted to and approved in writing by the District Planning Authority. The approved car parking areas shall be constructed, laid out and be available for use

PLANNING COMMITTEE MINUTES (Continued)

prior to the first occupation of any part of the development hereby approved in accordance with a schedule of implementations first agreed in writing by the District Planning Authority. The parking spaces shall thereafter be retained available at all times for the parking of vehicles visiting this site. **REASON** : To secure an adequate level of on-site car parking in accordance with the requirement of Policy DP8 in the Warwick District Local Plan 1996-2011;

- (13) notwithstanding the details shown on the approved plan, the existing access and adjacent boundary walls to Lillington Avenue shall not be altered until such time as a detailed plan of the revised vehicular and pedestrian access, together with details of the flank wall, gates and tree protection area, have been submitted to and approved in writing by the District Planning Authority. The development shall be constructed strictly as so approved. **REASON** : To protect the character and appearance of the Conservation Area in accordance with the requirements of Policy DP8 in the Warwick District Local Plan 1996-2011);
- (14) notwithstanding the details shown on the approved plan no development shall be carried out on the site which is the subject of this permission, until details of provision for storage of refuse 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 occupiers of the site and the character and appearance of the locality, in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (15) details of the air conditioning, ventilation and flue extraction systems including particulars of noise levels 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 DP9 of the Warwick District Local Plan 1996-2011;
- (16) no external lighting or sound amplification or

PLANNING COMMITTEE MINUTES (Continued)

tannoy system 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 DP9 of the Warwick District Local Plan 1996-2011;

- (17) 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 the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety;
- (18) the development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirements 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;
- (19) on the completion of the development hereby approved, no materials, plant or equipment of any description, including skips or containers, shall be stacked, stored or deposited on any open land within the site unless required as part of the refuse disposal operation agreed in writing by the District Planning Authority in accordance with Condition 14 of this permission. **REASON**: To protect the amenity of future occupiers of this site and the character or appearance of the Conservation Area in accordance with the provisions of Policies DP2 and DAP8 in the Warwick District Local Plan 1996-2011);
- (20) details of the means of sustainable disposal of

PLANNING COMMITTEE MINUTES (Continued)

storm water and foul sewage including provision for rainwater harvesting 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 sustainable disposal of storm water and foul sewage and to satisfy Policy DP11 of the Warwick District Local Plan 1996-2011;

- (21) during the period of demolition of existing buildings, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no vehicle shall leave the site unless and until its wheels have been cleaned sufficiently to prevent mud or other debris being deposited on the public highway. **REASON** : To ensure the amenity of this locality is protected in accordance with the requirements of Policy DP2 of the Warwick District Local Plan 1996-2011;
- (22) no unit of residential accommodation hereby permitted shall be first occupied unless and until the works for the conversion of Building E hereby approved have been wholly completed and the 'communal' facilities identified on the approved plans are fully available for use by future residents within this development. **REASON** : To ensure that development of this site proceeds in a coordinated and comprehensive manner and to secure its use solely as a residential institution for the provision of residential accommodation and care to people in need of care and for no other purpose whatsoever, having regard in particular to the District Council policies on Managing Housing Land Supply and Affordable Housing as contained in the Warwick District Local Plan 1996-2011;
- (23) no development shall be carried out on the site which is the subject of this permission, until large scale details and materials of construction of all dormer windows, roof lights, balconies, window guards, buttresses, gates, screen walls, external steps and associated railings, doors, windows (including a section showing the window reveal, heads and cill details), eaves,

PLANNING COMMITTEE MINUTES (Continued)

verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

REASON : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

- (24) 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;

- (25) all rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority.

REASON : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011;

- (26) the roofing material for the development shall be natural slate, a sample of which has been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy DAP8 of the Warwick District Local Plan 1996-2011; and

- (27) before the development hereby permitted is first commenced, details of the construction of the internal access roads to ensure that they have the capability of being used without damage by refuse vehicles shall have been submitted to and approved in writing by the District Planning Authority. The construction of the roads shall be strictly as so approved. **REASON**: To ensure a satisfactory form of development in accordance

PLANNING COMMITTEE MINUTES (Continued)

with the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

551. BINSWOOD HALL, BINSWOOD AVENUE, LEAMINGTON SPA

The Committee considered an application from Raven Audley Binswood Ltd for part demolition, conversion, refurbishment and partial rebuilding of existing redundant sixth-form college and change of use from Class D1 (non-residential institution) to Class C2 (residential institution), with construction of new buildings, to form an extra-care centre for the elderly consisting of 82 extra-care apartments and ancillary accommodation including treatment rooms, hydrotherapy, restaurant, bar, bistro, gymnasium, guest room, remedial care and hairdressing facilities.

The application was presented to the Committee because of the scale of the development and because of the number of comments 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 that the following policies were relevant to the application:

The District Council has produced a Brief to guide the future development of this site; North Leamington School Binswood Hall Development Brief. (NB. This can be seen on the District Council Website).

Government Guidance on 'Planning and the Historic Environment' is contained in PPG15.

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

DAP5 - Changes of Use of Listed Buildings (Warwick District Local Plan 1996 - 2011)

DAP7 - Restoration of Listed Buildings (Warwick District Local Plan 1996 - 2011)

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

The following people addressed the Committee:

Councillor Ms Dean Conservation Area Advisory Forum (Objecting)

Mr Krauze Applicant

In the opinion of the Head of Planning, the proposed development did not adversely affect the historic integrity, character or setting of the listed building, is of an acceptable standard of design and detailing and preserves the character and appearance of the Conservation Area within which the property is situated and does not cause unacceptable harm to the amenity of the occupiers of neighbouring properties. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officers report, presentation and members of the public addressing the Committee, it was proposed and duly seconded that the application be granted.

RESOLVED that application W08/092LB be referred to the Secretary of State and subject to the application not being 'called in' for a local inquiry, consent be GRANTED, subject to the conditions listed below.

PLANNING COMMITTEE MINUTES (Continued)

- (1) the works hereby permitted must be begun not later than the expiration of three years from the date of this consent. **REASON** : To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) except as may be required by the conditions below, the development hereby approved shall be carried out strictly in accordance with the plans identified as retained and new deposited plans in the applicant agents letter dated 12th June 2008, as amended by the revised plans 614PO1 rev. F, 614 PO9 rev. C and 614 P10 rev D submitted with the applicant agents letter dated 3rd October 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 Policy DP1 and DP2 of the Warwick District Local Plan 1996-2011;
- (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 protect the historic character and appearance of this Listed Building in accordance with the requirements of Policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011;
- (4) all rainwater goods for the development hereby permitted shall be metal and no development on site shall take place until a sample of the rainwater goods has been submitted to and approved by the District Planning Authority. **REASON** : To protect the historic character and appearance of this Listed Building in accordance with the requirements of Policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011;
- (5) no works for the installation of measures for sound attenuation and fire protection within the buildings shall be undertaken until a detailed specification of such works has been submitted

PLANNING COMMITTEE MINUTES (Continued)

to and approved in writing by the District Planning Authority. Such measures shall be installed strictly in accordance with the approved details unless first agreed otherwise in writing by the District Planning Authority. **REASON** : To protect the historic character and appearance of this Listed Building in accordance with the requirements of Policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011;

- (6) no mechanical extraction or air conditioning equipment or flues shall be installed within or attached to the buildings unless details have first been submitted to and approved in writing by the District Planning Authority. The installation shall be undertaken strictly in accordance with the approved details unless first agreed otherwise in writing by the District Planning Authority. **REASON** : To protect the historic character and appearance of this Listed Building in accordance with the requirements of Policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011;
- (7) no works for the repair or alteration of the existing staircases shall be undertaken unless a detailed specification of proposed works including structural calculations has been first submitted to and approved in writing by the District Planning Authority. The works shall be carried out strictly in accordance with the approved details unless first agreed otherwise in writing by the District Planning Authority. **REASON** : To protect the historic character and appearance of this Listed Building in accordance with the requirements of Policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011;
- (8) no new opening hereby approved shall be formed within the existing buildings unless details of those openings have first been submitted to and approved in writing by the District Planning Authority. The openings shall be constructed strictly in accordance with the approved details unless first agreed otherwise in writing by the District Planning Authority. **REASON** : To protect the historic character and appearance of this Listed Building in accordance with the requirements of Policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011;

PLANNING COMMITTEE MINUTES (Continued)

- (9) unless otherwise first agreed in writing by the District Planning Authority all new and/or relocated soil and vent pipes with their connecting waste pipes shall be located internally within the buildings by the District Planning Authority. The works shall be carried out strictly in accordance with the approved details unless first agreed otherwise in writing by the District Planning Authority. **REASON** : To protect the historic character and appearance of this Listed Building in accordance with the requirements of Policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011;
- (10) all areas of the retained buildings exposed by demolition and not to be enclosed by new building works shall be made good in accordance with details first submitted to and has approved in writing by the District Planning Authority. The works shall be carried out strictly in accordance with the approved details unless first agreed otherwise in writing by the District Planning Authority. **REASON** : To protect the historic character and appearance of this Listed Building in accordance with the requirements of Policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011;
- (11) the redecoration of any room or circulation area (including staircases) within the interior of the listed buildings shall not be undertaken until such time as a detailed specification of such works which takes account of all fixed features within those rooms and includes details of all lighting and power fittings has been submitted to and has been approved in writing by the District Planning Authority. The redecoration shall be carried out strictly in accordance with the approved details unless first agreed otherwise in writing by the District Planning Authority. **REASON** : To protect the historic character and appearance of this Listed Building in accordance with the requirements of Policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011;
- (12) no existing feature shall be removed from its existing position within the buildings until such time as details of the method of its removal, storage and subsequent re-use within the building have been submitted to and have been

PLANNING COMMITTEE MINUTES (Continued)

approved in writing by the District Planning Authority. The feature shall be removed, stored and re-used strictly in accordance with the approved details unless first agreed otherwise in writing by the District Planning Authority.

REASON : To protect the historic character and appearance of this Listed Building in accordance with the requirements of Policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011;

- (13) large scale details and specifications, including sections at a scale of 1:5 and elevations at a scale of 1:20, of proposals for the alteration to the gallery in the Chapel and for the construction of the new swimming pool in the Great Hall (in particular the construction of the glazed screen with balustrade above between the pool and the Great Hall) should have been submitted to and have been approved in writing by the District Planning Authority before any work to construct or amend those features is first commenced. The works shall be carried out strictly as so approved unless first agreed otherwise in writing by the District Planning Authority. **REASON** : To protect the historic character and appearance of this Listed Building in accordance with the requirements of Policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011;
- (14) the conversion and internal refurbishment of the buildings shall be carried out in accordance with a detailed specification and method statement which shall include repair/reinstatement of the following:-
- (a) all floors, floor coverings and ceilings;
 - (b) cornices in all ground floor principal rooms and first floor rooms retaining original cornices;
 - (c) all panelling (in particular the linen fold panelling in the Great Hall);
 - (d) all timber work (including skirting boards, doors, door frames and architraves);
 - (e) all windows (including new windows to be installed)
 - (f) bathroom fittings and fixtures;
 - (g) lightwells;
 - (h) power, water supply and foul drainage services to all rooms as required to meet their intended use as shown on the plans hereby approved.
 - (i) all lifts to be installed.

PLANNING COMMITTEE MINUTES (Continued)

The proposals shall be carried out strictly in accordance with the approved specification and method statement unless first agreed otherwise in writing by the District Planning Authority.

REASON : To protect the historic character and appearance of this Listed Building in accordance with the requirements of Policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011; and

- (15) notwithstanding the details shown on the approved plans, no work for the internal subdivision of the original chapel and chemistry laboratory shall be commenced until large scale details and specifications to demonstrate how existing features would be affected, in particular the ceilings, have been submitted to and approved in writing by the District Planning Authority. The works shall be carried out strictly as so approved unless first agreed otherwise in writing by the District Planning Authority.

REASON : To protect the historic character and appearance of this Listed Building in accordance with the requirements of Policies DAP4 and DAP7 in the Warwick District Local Plan 1996-2011.

552. 439 TACHBROOK ROAD, WHITNASH

The Committee considered an application from Mr Rai for the erection of front, side and rear extensions.

The application was presented to the Committee because an objection had been received from Whitnash 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)

The 45 Degree Guideline (Supplementary Planning Guidance)

Residential Design Guide (Supplementary Planning Guidance - April 2008)

In the opinion of the Head of Planning, the development respects 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 officers report and presentation, it was proposed and duly seconded that the application be granted.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that W08/1086 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 (drawing numbers 1802/2/A 1802/3/A and 1802/4/A) and specification contained therein, submitted on 22 September 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.

553. LINDEN LODGE, OFFCHURCH ROAD, HUNNINGHAM

The Committee considered an application from Mr M Swaby for a proposed increase in ridge height by 0.3m of approved garage/annex (amendment to application W07/1097).

The application was presented to Committee because an objection had been received from Eathorpe, Hunningham, Offchurch and Wappenbury Parish 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)

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

In the opinion of the Head of Planning, the development did not prejudice the openness and rural character of this green belt area and was considered to comply with the policies listed.

Following consideration of the officers report and presentation, it was proposed and duly seconded that the application be granted.

PLANNING COMMITTEE MINUTES (Continued)

RESOLVED that application W08/1137 be GRANTED subject to the following conditions:

- (1) the development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004;
- (2) the development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings and specification contained therein, submitted on 10 September 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;
- (3) all external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the main dwelling house. **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) this permission authorises the use of the structure as garaging and ancillary accommodation to the main house known as Linden Lodge, Offchurch Road and shall not be construed as permitting the erection of a separate dwelling unit. **REASON** : The site is within the designated Green Belt and outside of an identified growth village and therefore, to allow a separate dwelling unit would be contrary to the objectives of Policy RAP1 of the Warwick District Local Plan 1996-2011; and
- (5) before the occupation of the development hereby permitted the existing stable block and outbuildings shown to be removed on the submitted block plan shall be demolished. **REASON**: The site lies within the designated Green Belt and in the opinion of the District Planning Authority, to retain the existing buildings would cause harm to the openness of the character and appearance of the area and

PLANNING COMMITTEE MINUTES (Continued)

would thereby be contrary to the objectives of Policy DAP1 of the Warwick District Local Plan 1996-2011.

554. SHOP 3, SLADE HILL, HAMPTON MAGNA

The Committee considered an application from St Michael's Church for the variation of condition 1 of planning application W01/0925 in regard to trading and operating hours (to be as set out in Q21).

The application was presented to the Committee because an objection had been received from Budbrooke Parish 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)

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

Following consideration of the officers report, presentation and information within the addendum, it was proposed and duly seconded that the application be granted.

RESOLVED that W08/1246 be GRANTED subject to the shop and cafe elements only be open from 0700 to 1700 Monday to Saturday. Meetings shall only be held between 0900 and 1800. Evening meetings, between 1900 and 2200, shall be held no more than three nights a week. The premises shall only be open on Sundays between 0900 and 2200 for a maximum of two, three hour, periods for meetings and other church or community events. **REASON:** To protect the amenities of adjoining residents in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

555. 5 STRATFORD ROAD, WARWICK

The Committee considered an application from Mr M Greenwood for the erection of a detached garage and store building with ancillary accommodation above and construction of new driveway access.

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

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:

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

PLANNING COMMITTEE MINUTES (Continued)

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)
DP6 - Access (Warwick District Local Plan 1996 - 2011)
DP8 - Parking (Warwick District Local Plan 1996 - 2011)

In the opinion of the Head of Planning, the proposed development did not adversely affect the historic integrity, character or setting of the listed building, was of an acceptable standard of design and detailing and preserves the character and appearance of the Conservation Area within which the property was situated. The proposal was therefore considered to comply with the policies listed.

Following consideration of the officers report, presentation and information within the addendum, it was proposed and duly seconded that the application be granted.

RESOLVED that application W08/1259 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) (1863/08B, 1863/09B, 1863/10A, 1863/10B), and specification contained therein, submitted on 10 October 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;
- (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) no development shall take place until the applicant has secured the implementation of a

PLANNING COMMITTEE MINUTES (Continued)

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) this permission authorises the erection of an extension to the existing dwelling and shall not be construed as permitting the erection of a separate dwelling unit. **REASON :** Since there is insufficient parking and amenity space for a separate dwelling and to satisfy Policy DP1 of the Warwick District Local Plan 1996-2011;
- (6) the vehicular access for the development hereby permitted shall not be constructed in such a manner as to reduce the effective capacity of any highway drain or ditch. **REASON :** In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011; and
- (7) Notwithstanding the details shown on the approved plans, the finished floor level of the garage and store building shall match the finished floor level of the dwelling house. **REASON:** To protect the setting of the Listed Building, and to satisfy Policy DAP4 of the Warwick District Local Plan 1996-2011.

556. 26 HARGER COURT, KENILWORTH

The Committee considered an application from The Kenilworth for the change of use to guest house (associated with "The Kenilworth" 59-63 Warwick Road)

The application was presented to the Committee because of the number of objections received and an objection from Kenilworth Town Council. Councillor Blacklock had also requested that the application go before Planning Committee.

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)

UAP8 - Directing New Visitor Accommodation (Warwick District Local Plan 1996 - 2011)

PLANNING COMMITTEE MINUTES (Continued)

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 in terms of parking, traffic, noise, disturbance or visual amenity which would justify a refusal of permission. The proposal was therefore considered to comply with the policies listed.

It was proposed and duly seconded that the application be refused because it contradicted policies TCP10 and DP2. This motion was lost three votes for and seven against.

Following consideration of the officers report, presentation and information within the addendum, it was proposed and duly seconded that the application be granted.

RESOLVED that application W08/1290 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) (N20080914 and 533/13), and specification contained therein, submitted on 18 September 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) the area indicated on the plans hereby approved for vehicle parking and manoeuvring space shall at all times be kept free of obstruction and be available for those purposes. **REASON** : To ensure that adequate parking facilities are retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.

557. 11 CHURCH STREET, BARFORD, WARWICK

The Committee considered a report from Planning that requested the confirmation of the provisional Tree Preservation Order TPO 378 for one individual tree.

PLANNING COMMITTEE MINUTES (Continued)

The Order had been submitted to Committee for confirmation because objections had been received from local residents.

RESOLVED that Tree Preservation Order TPO 378 be confirmed.

558. QUARTERLY STATISTICS FROM CLG

The Committee received a report from Planning informing them of the quarterly planning application performance.

The Department for Communities and Local Government regularly publish performance statistics for development control which were reported to committee every quarter. The statistics for April to June 2008 were now available on the CLG Website.

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

The statistics related 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 the quarter of April to June 2008, be noted.

559. APPEALS QUARTER 2

The Committee received a report from Planning detailing the Appeal Performance for Quarter 2 for 2008-2009.

Appeal performance was a Service Plan Indicator. Performance for Quarter 2 of 2008-2009 showed a 38% dismissal rate compared to a national average of 66% as five appeals had been allowed against refusals of planning permission with three dismissed. This was in contrast to quarter 1 when 73 % of appeals were dismissed.

The table detailed within the report gave information of all the appeal decisions received for Quarter 2.

RESOLVED that the Appeal Performance for Quarter 2, be noted.

(The meeting ended at 10.05pm)